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INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1995

Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:
Dec. 20, 1994	Dec. 27, 1994	1	Jan. 6, 1995	June 27, 1995	July 3, 1995	28	July 14, 1995
Dec. 27, 1994	Jan. 3, 1995	2	Jan. 13, 1995	July 3, 1995	July 11, 1995	29	July 21, 1995
Jan. 3, 1995	Jan. 10, 1995	3	Jan. 20, 1995	July 11, 1995	July 18, 1995	30	July 28, 1995
Jan. 10, 1995	Jan. 17, 1995	4	Jan. 27, 1995	July 18, 1995	July 25, 1995	31	Aug. 4, 1995
Jan. 17, 1995	Jan. 24, 1995	5	Feb. 3, 1995	July 25, 1995	Aug. 1, 1995	32	Aug. 11, 1995
Jan. 24, 1995	Jan. 31, 1995	6	Feb. 10, 1995	Aug. 1, 1995	Aug. 8, 1995	33	Aug. 18, 1995
Jan. 31, 1995	Feb. 7, 1995	7	Feb. 17, 1995	Aug. 8, 1995	Aug. 15, 1995	34	Aug. 25, 1995
Feb. 7, 1995	Feb. 14, 1995	8	Feb. 24, 1995	Aug. 15, 1995	Aug. 22, 1995	35	Sept. 1, 1995
Feb. 14, 1995	Feb. 21, 1995	9	Mar. 3, 1995	Aug. 22, 1995	Aug. 29, 1995	36	Sept. 8, 1995
Feb. 21, 1995	Feb. 28, 1995	10	Mar. 10, 1995	Aug. 29, 1995	Sept. 5, 1995	37	Sept. 15, 1995
Feb. 28, 1995	Mar. 7, 1995	11	Mar. 17, 1995	Sept. 5, 1995	Sept. 12, 1995	38	Sept. 22, 1995
Mar. 7, 1995	Mar. 14, 1995	12	Mar. 24, 1995	Sept. 12, 1995	Sept. 19, 1995	39	Sept. 29, 1995
Mar. 14, 1995	Mar. 21, 1995	13	Mar. 31, 1995	Sept. 19, 1995	Sept. 26, 1995	40	Oct. 6, 1995
Mar. 21, 1995	Mar. 28, 1995	14	Apr. 7, 1995	Sept. 26, 1995	Oct. 3, 1995	41	Oct. 13, 1995
Mar. 28, 1995	Apr. 4, 1995	15	Apr. 14, 1995	Oct. 3, 1995	Oct. 10, 1995	42	Oct. 20, 1995
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Apr. 18, 1995	Apr. 25, 1995	18	May 5, 1995	Oct. 24, 1995	Oct. 31, 1995	45	Nov. 13, 1995 (Mon.)
Apr. 25, 1995	May 2, 1995	19	May 12, 1995	Oct. 31, 1995	Nov. 7, 1995	46	Nov. 17, 1995
May 2, 1995	May 9, 1995	20	May 19, 1995	Nov. 7, 1995	Nov. 14, 1995	47	Nov. 27, 1995 (Mon.)
May 9, 1995	May 16, 1995	21	May 26, 1995	Nov. 14, 1995	Nov. 21, 1995	48	Dec. 1, 1995
May 16, 1995	May 23, 1995	22	June 2, 1995	Nov. 21, 1995	Nov. 28, 1995	49	Dec. 8, 1995
May 23, 1995	May 30, 1995	23	June 9, 1995	Nov. 28, 1995	Dec. 5, 1995	50	Dec. 15, 1995
May 30, 1995	June 6, 1995	24	June 16, 1995	Dec. 5, 1995	Dec. 12, 1995	51	Dec. 22, 1995
June 6, 1995	June 13, 1995	25	June 23, 1995	Dec. 12, 1995	Dec. 19, 1995	52	Dec. 29, 1995
June 13, 1995	June 20, 1995	26	June 30, 1995	Dec. 19, 1995	Dec. 26, 1995	1	Jan. 5, 1996
June 20, 1995	June 27, 1995	27	July 7, 1995	Dec. 26, 1995	Jan. 2, 1996	2	Jan. 12, 1996

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

ILLINOIS DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Community Care Program
- 2) Code Citation: 89 Ill. Adm. Code 240
- 3) Section Number: Proposed Action:
240.715 Amendment
- 4) Statutory Authority: 20 ILCS 105/4.01(4), (9), (11) and (12); 4.02; 4.03; and 5.02

5) A Complete Description of the Subjects and Issues Involved: This rulemaking is in response to the Edgar v. Wright and Lindley, 92-CH-07165, Settlement Agreement entered into on July 26, 1995, in the Circuit Court of Cook County, Illinois. Plaintiffs challenged the Department's assessment process alleging that the Determination of Need (DON) utilized by the Department to ascertain the level of in-home care a person requires, fails to adequately consider an applicant's mental impairments.

In order to fulfill the Agreement reached between the plaintiffs and the Department, the Department is amending the assessment process to revise the method of scoring on the DON for Community Care Program (CCP) applicants/clients who meet selected criteria.

- 6) Will this proposed rule replace an emergency rule currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? Yes
- 9) Are there any proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
240.436	New Section	February 17, 1995 (19 Ill. Reg. 1363)
240.655	Amendment	July 14, 1995 (19 Ill. Reg. 9362)
240.660	Amendment	July 14, 1995 (19 Ill. Reg. 9362)
240.820	Amendment	July 14, 1995 (19 Ill. Reg. 9362)
240.920	Amendment	July 14, 1995 (19 Ill. Reg. 9362)
240.1020	Amendment	July 14, 1995 (19 Ill. Reg. 9362)

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a state mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this Proposed rulemaking: Interested persons may present their written comments concerning this rulemaking, within 45 days after the date of this

ILLINOIS DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

issue of the *Illinois Register*, to:

Ms. Pamela W. Balmer, Assistant
Office of General Counsel
Illinois Department on Aging
421 East Capitol Avenue #100
Springfield, IL 62701-1789
Attention: Determination of Need
(217) 785-3346

The rule amendments may have an impact on small businesses. In accordance with Sections 100/1-20 and 5-20 of the Illinois Administrative Procedure Act, any small business may present their comments to Ms. Pamela W. Balmer, at the above address.

Any small business (as defined in Section 100/1-75 of the Illinois Administrative Procedure Act) commenting on the rule amendment shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: Case Coordination Units

B) Reporting, bookkeeping or other procedures required for compliance: Reporting, bookkeeping and other procedures commensurate with those established under the Community Care Program. However, Case Coordination Unit supervisors and case managers will be instructed to amend the assessment process by revising the method of scoring on the DON for CCP applicants/clients who meet selected criteria.

C) Types of professional skills necessary for compliance: Professional skills commensurate with case management requirements under the Community Care Program.

- 13) This rulemaking was not included on either of the 2 most recent agendas because: Settlement did not occur until after the publication of the regulatory agenda.

The full text of the proposed amendment is identical to the text of the emergency amendment which appears in this issue of the *Illinois Register* on page **12695**.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Designation of Restricted Waters in the State of Illinois

2) Code Citation: 17 Ill. Adm. Code 2030

3) Section Numbers: Proposed Action:
2030.30 Amendment

4) Statutory Authority: Implementing and authorized by Sections 5-7 and 5-12 of the Boat Registration and Safety Act (625 ILCS 45/5-7 and 5-12).

5) A Complete Description of the Subjects and Issues Involved: Due to the small size (144 acres) and shallow depth (average 7 feet) of Griswold Lake and the high use by both boaters and non-boaters (swimmers, waders, shore use), allowing motor sizes larger than 10 horsepower constitutes a serious threat to public safety and welfare. This lake came under the jurisdiction and control of the Department of Natural Resources (DNR) on July 1, 1995, when the Division of Water Resources became part of the DNR. Petitions to restrict horsepower, and petitions to allow unlimited horsepower, were received by the DNR. An investigation was completed and a public hearing was held. The Department's finding was that the 10 horsepower restriction is necessary for protection of both the boat users and the non-boat users.

6) Will this rulemaking replace any emergency rulemaking currently in effect? Yes

Section Numbers Proposed Action Illinois Register Citation
2030.30 Amendment 19 Ill. Reg. 11967, 8/18/95

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? Yes

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rule may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield, IL 62701-1787

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

217/782-1809

12) Initial Regulatory Flexibility Analysis: This rule does not affect small businesses.

13) This rule was not included on either of the two most recent agendas because: The Department did not anticipate amending it.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER e: LAW ENFORCEMENT

PART 2030

DESIGNATION OF RESTRICTED WATERS IN THE STATE OF ILLINOIS

Section

- 2030.10 General Regulations
2030.10 General Regulations (Repealed)
2030.15 Designation of Restricted Waters by the Department of Conservation
2030.20 Region I - Designated Restricted Boating Areas
2030.30 Region II - Designated Restricted Boating Areas
2030.40 Region III - Designated Restricted Boating Areas
2030.40 Region IV - Designated Restricted Boating Areas
2030.50 Region V - Designated Restricted Boating Areas (Repealed)
2030.60 Riverboat Gambling Casinos - Designated Restricted Boating Areas
2030.70

AUTHORITY: Implementing and authorized by Sections 5-7 and 5-12 of the Boat Registration and Safety Act [625 ILCS 45/5-7 and 5-12].

SOURCE: Adopted at 5 Ill. Reg. 8763, effective August 25, 1981; codified at 5 Ill. Reg. 10617; amended at 9 Ill. Reg. 4789, effective April 2, 1985; amended at 11 Ill. Reg. 9519, effective May 5, 1987; emergency amendment at 12 Ill. Reg. 8745, effective May 15, 1988, for a maximum of 150 days; emergency expired September 20, 1988; emergency amendment at 12 Ill. Reg. 12111, effective July 6, 1988, for a maximum of 150 days; emergency expired December 12, 1988; amended at 12 Ill. Reg. 16707, effective September 30, 1988; amended at 12 Ill. Reg. 20472, effective November 28, 1988; corrected at 13 Ill. Reg. 967; emergency amendment at 13 Ill. Reg. 2878, effective February 21, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 12814, effective July 21, 1989; amended at 16 Ill. Reg. 8483, effective May 26, 1992; amended at 19 Ill. Reg. 7549, effective May 26, 1995; emergency amendment at 19 Ill. Reg. 11967, effective August 3, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. _____, effective _____.

Section 2030.30 Region II - Designated Restricted Boating Areas

- a) The following portions of the Calumet and Little Calumet Rivers are designated as Slow, No Wake areas:
- 1) An area from the O'Brien Locks to the Michigan Central Railroad Bridge (approximately mile 326.5 to 325.3).
 - 2) An area around the Pier 11 Marina and the Lake Calumet Boat and Gun Club (approximately mile 323.2 to 323.1).
 - 3) An area around the Maryland Manor Boat Club, Skipper's Marina, and Rentner Marina (approximately mile 323.0 to 322.5).
 - 4) An Area around Triplex Marina (approximately mile 319.9 to 319.8).

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

- b) The following portions of the Des Plaines River are designated as Slow, No Wake areas:
- 1) An area around the Bay Hill Marina, Wilmington, Illinois (approximately mile 273.7), extending 150 feet out into the river and 300 feet both upstream and downstream from the center of the Marina.
 - 2) An area around the Three Rivers Yacht Club, Wilmington, Illinois (approximately mile 273.7), extending 150 feet from the harbor entrance.
- c) The following portion of the Fox River is designated as a Slow, No Wake area:
- An area within 150 feet upstream and downstream of the I-90 bridge.
- d) The following portions of Lake Michigan are designated as No Boat areas:
- 1) An area at North Point Marina, located off the northern breakwater, running 200 yards parallel to the shoreline and 100 yards out into the lake.
 - 2) An area at Illinois Beach State Park, located between the park office and the #3 bathhouse, running parallel to the shoreline and 70 yards out into the lake.

e) It shall be unlawful to operate any watercraft with a motor larger than ten (10) horsepower on the waters of Griswold Lake in McHenry County.

(Source: Amended at 19 Ill. Reg. _____, effective _____.)

ILLINOIS INDUSTRIAL COMMISSION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Arbitration2) Code Citation: 50 Ill. Adm. Code 70303) Section Numbers: Proposed Action:

7030.20

Amendment

7030.60

Amendment

7030.70

Amendment

4) Statutory Authority: Sections 16 and 19 of the Workers' Compensation Act [820 ILCS 305/16 and 19]

5) Complete Description of the Subjects and Issues Involved: The amendments propose changes to the trial procedures for cases on arbitration. The proposed amendments require that on the scheduled trial date each party must appear before the arbitrator between 8:45 a.m. and 9:15 a.m. when the arbitrator establishes the trial order. The proposal provides that when establishing the trial order, the arbitrator may give priority to cases in which a petition under Section 19(b) or 19(b-1) has been filed, death benefits or permanent total disability benefits are claimed, or other cases in which special circumstances exist which in the opinion of the arbitrator would warrant granting priority to the case in the trial order. The proposal states that either party may request a pre-trial conference prior to the start of trial. Failure of the Petitioner to appear on the trial day before 9:15 a.m. may bar the case from being heard that day or may result in dismissal of the claim. Failure of the Respondent to appear may result in an ex parte hearing on the merits of the claim.

The proposal further provides that, on each trial day, the arbitrator shall begin hearing cases at 9:30 a.m. On the trial day, parties may report the case settled or request a continuance. If the moving party does not respond when the arbitrator calls the case for trial, the arbitrator may place the case at the end of the trial order.

The proposal provides that bifurcated hearings are discouraged and will be allowed only for good cause. Examples of good cause include, but are not limited to, where the number or location of witnesses make it impossible to conclude the hearing in one day or the testimony of a witness must be taken prior to a deposition. The proposal states that evidence depositions of a witness may be taken after the hearing begins only upon order of the arbitrator or commissioner for good cause shown.

The proposed amendments provide that exhibits offered into evidence shall be retained by the assigned arbitrator or commissioner until a decision is issued in the matter and may not be removed by the parties.

ILLINOIS INDUSTRIAL COMMISSION

NOTICE OF PROPOSED AMENDMENTS

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes. (19 Ill. Reg. 7764, June 16, 1995)

10) Statement of Statewide Policy Objectives: The rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (30 ILCS 805/3(b)).

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Commission will accept written comments on this proposal for a period of 45 days after the date of this publication. Comments should be directed to:

Robert J. Malooly
Illinois Industrial Commission
100 West Randolph Street
Suite 8-272
Chicago, Illinois 60601
(1-312/814-6556)

The Commission will hold public hearings on the proposed rulemaking as follows:

DATE: Thursday, October 12, 1995

TIME: 10:00 a.m.

PLACE: Industrial Commission

100 West Randolph

Suite 8-243 (Oral Argument Room)

Chicago, Illinois 60601

DATE: Friday, October 13, 1995

TIME: 10:00 a.m.

PLACE: Industrial Commission

701 South Second Street

Springfield, Illinois 62704

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

ILLINOIS INDUSTRIAL COMMISSION

NOTICE OF PROPOSED AMENDMENTS

C) Types of professional skills necessary for compensation: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1995.

The full text of the Proposed Amendments begins on the next page:

ILLINOIS INDUSTRIAL COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE

CHAPTER II: INDUSTRIAL COMMISSION

PART 7030

ARBITRATION

Section

7030.10	Arbitration Assignments
7030.20	Setting a Case for Trial
7030.30	Disqualification of Commissioners and Arbitrators
7030.40	Request for Hearing
7030.50	Subpoena Practice
7030.60	Depositions
7030.70	Rules of Evidence
7030.80	Briefs, Arbitrators' Decisions
7030.90	Opening and/or Closing Statements
7030.100	Voluntary Arbitration under Section 19(p) of the Workers' Occupational Compensation Act and Section 19(m) of the Workers' Occupational Diseases Act

AUTHORITY: Implementing Section 19 and authorized by Section 16 of the Workers' Compensation Act (820 ILCS 305/19 and 16) and of the Workers' Occupational Diseases Act (820 ILCS 310/19 and 16).

SOURCE: Filed and effective March 1, 1977; amended at 4 Ill. Reg. 26, p. 159, effective July 1, 1980; emergency amendment at 5 Ill. Reg. 8547, effective August 3, 1981, for a maximum of 150 days; amended at 6 Ill. Reg. 3570, effective March 22, 1982; emergency amendment at 6 Ill. Reg. 5820, effective May 1, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8040, effective July 7, 1982; amended at 6 Ill. Reg. 11909, effective September 20, 1982; codified at 7 Ill. Reg. 2514; amended at 9 Ill. Reg. 19722, effective December 6, 1985; emergency amendment at 14 Ill. Reg. 4913, effective March 9, 1990, for a maximum of 150 days; emergency expired August 6, 1990; amended at 14 Ill. Reg. 13141, effective August 1, 1990; amended at 15 Ill. Reg. 8214, effective May 17, 1991; amended at 19 Ill. Reg. _____, effective _____.

Section 7030.20 Setting a Case for Trial

- a) A written request for a date certain for trial may be made at the monthly status call on which the case appears. A request for a trial date in a case which does not appear on the monthly status call may only be made in accordance with Section 7020.60(b)(2)(B).
- b) If the parties by agreement request a trial date, the Arbitrator will assign a specific date and time for trial. A pre-trial conference may be held by the Arbitrator. Either party may request a pre-trial conference prior to the start of trial.
- c) If there is no agreement:

ILLINOIS INDUSTRIAL COMMISSION

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1) Any party may file a motion requesting a date certain for trial. The motion must be accompanied by a form provided by the Industrial Commission called a Request for Hearing, which sets forth the moving party's claims on each issue.

2) A Respondent may file a motion requesting a date certain for trial if Respondent claims that:

- A) Respondent has not received in the prior 6 months any bills or other evidence that Petitioner is under medical care or undergoing physical or vocational rehabilitation related to the alleged accidental injuries, and
- 3) Respondent has evidence establishing that Petitioner has not been entitled for the prior 6 months to temporary total disability benefits as a result of the alleged accidental injuries, and such benefits have not been paid for that period.

3) The motions for trial dates shall be filed and heard pursuant to Section 7020.70 and Section 7020.60. If the Arbitrator determines that proper and timely fifteen (15) days notice was given of the motion for trial date to the opposing party, opposing party was provided with a completed Request for Hearing, said case appears on the monthly status call on the date the motion is heard, or if the case is not on the status call, the Arbitrator has determined that the case falls within the exceptions in Section 7020.60(b)(2)(B), and that the matter should proceed to trial, the Arbitrator shall set the matter for trial on a date certain. If any party fails without good cause to appear, the Arbitrator will hear the motion for trial date ex parte, and if the Arbitrator determines the matter is ready for trial will set a trial date convenient to the Arbitrator and the opposing party of the trial date. The party that appeared shall notify the Arbitrator of the trial date. Failure of both parties to appear on the trial day set without good cause may result in dismissal of the claim. Failure of the Petitioner to appear without good cause on the trial day may result in dismissal of the claim if Respondent appears and is prepared to proceed to trial. Failure of the Respondent to appear may result in an ex parte hearing as to the merits of the cause.

d) On each trial day each party or, if represented, the party's attorney of record must appear before the Arbitrator between 8:45 a.m. and 9:15 a.m. During which time the Arbitrator shall establish the order in which cases shall proceed that day. The Arbitrator may give priority to cases in which a Petition under Section 19(b) or 19(b-1) of the Act has been filed, death benefits under Section 7 of the Act or permanent total disability benefits under Section 8 of the Act are claimed or other cases in which special circumstances exist which in the opinion of the Arbitrator warrant granting priority to the case in the trial order. Request for Hearing forms must be completed, signed and submitted to the Arbitrator prior to the beginning of the hearing in

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the case.

e) Failure of the Petitioner to appear before 9:15 a.m. may bar the case from being heard that day or may result in dismissal of the claim. Failure of the Respondent to appear may result in an ex parte hearing on the merits of the claim.

f) On each trial day the Arbitrator shall begin hearing cases at 9:30 a.m. Any party who requests a date certain for trial must be prepared, absent good cause shown, to proceed to trial. On the trial day parties may report the case settled or request a continuance on a form provided by the Industrial Commission. If the moving party does not respond when the case is called for trial by the Arbitrator, the case may be placed at the end of the trial order. All cases except those which are heard under Section 19(b-1) of the Act must be concluded within 3 months of the first hearing date of the Arbitrator with these proofs, absent good cause shown, and render a decision.

g) Bifurcated hearings are discouraged and will be allowed only for good cause. Examples of good cause include, but are not limited to, where the number or location of witnesses make it impossible to conclude the hearing in one day or the testimony of a witness must be taken prior to a deposition. All cases, except those which are heard under Section 19(b-1) of the Act, must be concluded within 3 months after the first hearing date or the Arbitrator will close proofs, absent good cause shown, and render a decision.

(Source: Amended at 19 Ill. Reg. _____, effective _____).

Section 7030.60 Depositions

a) Evidence depositions of any witness may be taken, either before or after hearing, only upon stipulation of the parties or upon order, called a dedimus potestatem in Section 16 of the Act, issued by the Arbitrator or Commissioner to whom the case has been assigned upon application of either party. Evidence depositions of any witness may be taken after the hearing begins only upon order of the Arbitrator or Commissioner, for good cause shown. Except as provided in subsection paragraph (f) below, such application shall be in writing and shall contain the following:

- 1) The reasons for the issuance of the dedimus potestatem clearly and concisely stated.
- 2) The date upon which the dedimus should be issued and the name and address of the party to whom the dedimus is to be directed.
- 3) The names and addresses of the witnesses whose depositions are sought to be taken.
- 4) A statement as to whether the depositions are to be taken by oral or written interrogatories. Such written application shall be made either upon a printed form prescribed and furnished by the Commission or in a similar document prepared by the party.

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applying for the dedimus.

- b) The time for taking depositions pursuant to the issuance of the dedimus potestatem shall be on a date set not less than ten (10) days after the issuance of such dedimus potestatem.

c)

- 1) Except as provided in subsection **paragraph (f)** below, no dedimus potestatem shall be issued unless a copy of the application, together with all documents required by this rule to be attached to said application, has been served on the opposing party and proof of service of such copy made as provided in 50 Ill. Adm. Code 7020(a), Pre Arbitration.

- 2) The opposing party may, within five (5) days after the receipt of the copy of the application, file written objections to the issuance of the dedimus potestatem. The Commission shall rule on such objections before the issuance of the dedimus potestatem.

- d) Except as provided in subsection **paragraph (f)** below, notice of the issuance of the dedimus potestatem shall be given in sufficient time so that the receipt of such copy of the dedimus potestatem shall not be less than ten (10) days before the date set for the taking of the deposition. If the deposition is to be taken by written interrogatories, such interrogatories shall be filed in triplicate with the application for dedimus potestatem and a copy of such interrogatories shall be attached to the copy of the dedimus potestatem mailed to each party. If cross-interrogatories are desired, the same shall be filed with the Commission, not more than five (5) days after the receipt of the written interrogatories, and the party filing same shall mail a copy thereof within the same period of time to the applicant for dedimus potestatem.

- e) No dedimus potestatem shall be issued to take the depositions of any medical witnesses:

- A) where the party applying for the dedimus potestatem has refused or failed to comply with the provisions of Section 12 of the Act, and
- B) unless he shall have served the other side with a signed report of such medical witness-other than a treating physician-giving his findings and conclusions.

f)

- 1) Provided, however, where it is shown that by complying with the time requirements prescribed herein, the party seeking the dedimus may be deprived of the evidence sought to be obtained by the deposition, that the Arbitrator or Commissioner to whom a case has been assigned for hearing may, in his discretion:

- A) on notice and hearing before trial waive or reduce such requirements, or
- B) permit a party to present an oral application of a dedimus potestatem immediately before or during trial and, after due consideration of such application and any objections thereto that may be orally raised by the opposite party, rule upon

ILLINOIS INDUSTRIAL COMMISSION

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the application.

- 2) Where a dedimus potestatem is issued upon such oral application, the hearing officer shall allow the parties reasonable time to complete the deposition and submit the transcript thereof before closing proofs in the case.

- g) When any party takes an evidence deposition, said deposition shall be filed and become part of the record as an exhibit of the party who applied for the dedimus to take the deposition, unless the parties agree otherwise.

- h) All objections to questions propounded or answers adduced in the evidence deposition shall be fully explained on the record of said deposition. It shall be the duty of the hearing officer to note his ruling on each objection in the margin of the transcript of said deposition or at a hearing on the record.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 7030.70 Rules of Evidence

- a) The Illinois common law rules of evidence and the Illinois Evidence Act--~~1111-Rev--Stat--1981--ch--51--par--17--et--seq--~~ [820 ILCS 305] shall apply in all proceedings had before the Industrial Commission, either upon arbitration or review, except to the extent they conflict with the Workers' Compensation Act, the Workers' Occupational Diseases Act ~~1111-Rev--Stat--1981--ch--48--par--12-36-et--seq--~~ [820 ILCS 310], or the Rules Governing Practice Before the Industrial Commission.

- b) Exhibits offered in evidence, whether admitted or rejected, shall be retained by the assigned Arbitrator or Commissioner until a decision is issued in the matter. Exhibits may not be removed by the parties. Once a final decision is rendered exhibits shall be retained by the Industrial Commission pursuant to the requirements of Section 17 of the Workers' Compensation Act [820 ILCS 305/17].

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Pre-Arbitration
- 2) Code Citation: 50 Ill. Adm. Code 7020
- 3) Section Numbers: Proposed Action:
7020.60 Amendment
- 4) Statutory Authority: Sections 16 and 19 of the Workers' Compensation Act [820 ILCS 305/16 and 19]
- 5) Complete Description of the Subjects and Issues Involved:
The proposed amendment deletes language relating to failure of a party to appear on the trial date in cases which have been on file for three or more years.
Language regarding failure of a party to appear on the trial date in all cases, including those which have been on file for three or more years, is proposed in Section 7030.20, Setting a Case for Trial.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: The rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Commission will accept written comments on this proposal for a period of 45 days after the date of this publication. Comments should be directed to:

Robert J. Malooly
Illinois Industrial Commission
100 West Randolph Street
Suite 8-272
Chicago, Illinois 60601
(312) 814-6559

The Commission will hold public hearings on the proposed rulemaking as follows:

ILLINOIS INDUSTRIAL COMMISSION

NOTICE OF PROPOSED AMENDMENTS

DATE: Thursday, October 12, 1995
TIME: 10:00 a.m.
PLACE: Industrial Commission
100 West Randolph
Suite 8-243 (Oral Argument Room)
Chicago, Illinois 60601

DATE: Friday, October 13, 1995
TIME: 10:00 a.m.
PLACE: Industrial Commission
701 South Second Street
Springfield, Illinois 62704

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None.

- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1995.

The full text of the Proposed Amendments begins on the next page:

ILLINOIS INDUSTRIAL COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER II: INDUSTRIAL COMMISSIONPART 7020
PRE-ARBITRATION

Section	
7020.10	Docketing and Numbering of Cases
7020.20	Application for Adjustment of Claim
7020.30	Memorandum of Names and Addresses for Service of Notice and Attorneys' Appearance
7020.40	Who May Appear-Unauthorized Practice
7020.50	Hearing: Place; Notice: Change of Venue
7020.60	Continuances on Arbitration, Notices, Monthly Status Call, Voluntary Dismissal
7020.70	Motion Practice, General
7020.80	Petitions for Immediate Hearing
7020.90	Petitions to Reinstate
7020.100	Medical Examinations

AUTHORITY: Implementing and authorized by Sections 16 and 19 of the Workers' Compensation Act [820 ILCS 305/16 and 19].

SOURCE: Filed and effective March 1, 1977; amended at 2 Ill. Reg. 49, p. 244, effective December 7, 1978; amended at 3 Ill. Reg. 4, p. 13, effective January 21, 1979; amended at 4 Ill. Reg. 26, p. 59, effective July 1, 1980; emergency amendment at 4 Ill. Reg. 41, p. 171, effective September 25, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 5530, effective May 12, 1981; emergency amendment at 6 Ill. Reg. 5820, effective May 1, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8040, effective July 1, 1982; amended at 6 Ill. Reg. 11909, effective September 20, 1982; codified at 7 Ill. Reg. 2345; emergency amendment 8 Ill. Reg. 5986, effective August 16, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 16238, effective October 15, 1985; emergency amendment at 9 Ill. Reg. 19129, effective November 20, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 8096, effective May 5, 1986; amended at 15 Ill. Reg. 8221, effective May 17, 1991; amended at 17 Ill. Reg. 2206, effective February 16, 1993; amended at 19 Ill. Reg. _____, effective _____.

Section 7020.60 Continuances on Arbitration, Notices, Monthly Status Calls, Voluntary Dismissal

- a) Continuances on Arbitration: Notices
- Written notices will be sent to the parties for the initial status call setting on arbitration only. Thereafter, cases will be continued for 3 month intervals, or at other intervals upon notice by the Commission, until the case has been on file at the Industrial Commission for 3 years, has been set for trial pursuant to Section

ILLINOIS INDUSTRIAL COMMISSION

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7030.20, or otherwise disposed of. The parties must obtain any continued status call dates from the Industrial Commission records.

b) Monthly Status Calls

- 1) Each Arbitrator, subject to his or her availability, shall hold a monthly status call of cases which appear on the Arbitrator's docket that month.
 - A) In Cook County, each Arbitrator's monthly status call shall be held at 2:00 p.m. on a date and place designated by the Commission.
 - B) In areas outside of Cook County, each Arbitrator's monthly status call shall be held at 9:00 a.m. on a date and place designated by the Commission.
 - 2) The monthly status call shall be conducted by the Arbitrator as follows:
 - A) Cases shall be called in the order that they appear on the monthly status call.
 - B) Cases will be continued in accordance with subsection (a) above unless a request for a trial date is made in accordance with Section 7030.20. A request for a trial date may be made in a case which does not appear on the monthly status call if:
 - i) a Petition under Section 19(b) of the Act has been filed in accordance with Section 7020.80(a);
 - ii) death benefits under Section 7 of the Act or permanent total disability benefits under Section 8 of the Act are claimed; or
 - iii) special circumstances exist which in the opinion of the Arbitrator would warrant advancing the case for trial. The moving party must set forth in his motion the basis of the claimed special circumstance.
- Motions for trial dates under subsections (b)(2)(B)(i), (ii) and (iii) above shall be presented at the conclusion of the status call.
- C) Cases on file 3 or more years.
 - i) In all cases which have been on file at the Industrial Commission for three years or more, the parties or their attorneys must be present at each status call on which the case appears. The case will be set for trial unless a written request has been made to continue the case for good cause. Such request shall be made part of the case file. The written request must be received by the Arbitrator at least fifteen days in advance of the status call date and contain proof of service showing that the request for a continuance was served on all other parties to the case and/or their attorneys. Any objection to a continuance in such case must be received by the Arbitrator at least seven days prior to the status

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call date and contain a similar proof of service. The Arbitrator shall rule on such requests for continuances or objections thereto at the status call. The parties must appear at the status call even if there is no objection to the continuance.

- ii) Failure of the Petitioner or the Petitioner's attorney to request or answer a request for a continuance in accordance with subsection (b)(2)(C) (i) above and to appear at the monthly status call on which the case appears shall result in the case being dismissed for want of prosecution, except upon a showing of good cause.

- iii) Where the Arbitrator has set the matter for trial, the case shall proceed on the date set by the Arbitrator. ~~Failure of the Petitioner to appear without good cause on the trial date shall result in dismissal of the case for want of prosecution. Failure of the Respondent to appear without good cause on the trial date may result in an expedite hearing on the merits of the claim.~~

- D) Section 19(b-1) pretrials, motions, pro se settlement contracts

- i) In Cook County, each Arbitrator will hear motions and conduct pre-trial hearings on Petitions filed under Section 19(b-1) of the Act beginning at 8:45 a.m. on the monthly status call date. The Arbitrator shall hear other motions at the conclusion of the monthly status call. Pro se settlements may be presented on the morning of any monthly status call or on days designated by the Arbitrator.

- ii) In all areas outside of Cook County, the Arbitrator will hear motions and conduct pre-trial hearings on Petitions filed under Section 19(b-1) of the Act, and hear other motions, at the conclusion of the monthly status call. Pro se settlement contracts may be presented at the conclusion of any monthly status call or on days designated by the Arbitrator.

- c) Voluntary Dismissals

- 1) Any party may voluntarily dismiss his or her claim or any petition or motion filed on his or her behalf upon motion signed by the party, if unrepresented, or his or her attorney of record.
- 2) A party may file a motion to dismiss his or her claim or any petition or motion filed on his or her behalf without the signature of his attorney of record. The moving party must serve said motion on his or her attorney and the opposing party, in the manner set forth in Section 7020.20(a), and set the motion for hearing as set forth in Section 7020.70. In such cases, there shall be no disposition of the claim on its merits prior to the

ILLINOIS INDUSTRIAL COMMISSION

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disposition of said motion.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Effluent Standards
- 2) Code Citation: 35 Ill. Adm. Code 304
- 3) Section Numbers: Proposed Action:
304.201 Amend
- 4) Statutory Authority: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/13 and 27].
- 5) A Complete Description of the Subjects and Issues Involved: A more detailed description of this site-specific rulemaking is included in the Board's August 24, 1995 opinion and order in Docket R95-14 which is available from the Board at the address specified in question #11 below. This rule was proposed by the Metropolitan Water Reclamation District of Greater Chicago. The Board held a hearing in this matter on June 30, 1995 in Chicago, Illinois. Briefly this rulemaking amends the Board's General Use Chronic Standard (CS) for weak acid dissociable (WAD) cyanide from 5.2 mg/L to 10 mg/L as applied to the West branch of the DuPage River, Higgins Creek, Salt Creek, and the Des Plaines River within Cook County.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
304.122 Amend		18 Ill. Adm. Code 14549 (9/30/94)
304.301 Repeal		18 Ill. Adm. Code 14549 (9/30/94)

- 10) Statement of Statewide Policy Objectives: This proposed amendment does not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act (30 ILCS 805/3(b)).
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R95-14 and be addressed to:

Dorothy M. Gunn, Clerk
 Illinois Pollution Control Board
 James R. Thompson Center

POLLUTION CONTROL BOARD

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100 W. Randolph Street, Suite 11-500
 Chicago, IL 60601

and

Mr. Michael Rosenberg
 Attorney
 Metropolitan Water Reclamation District of Greater Chicago
 100 East Erie Street
 Chicago, IL 60611

Questions may be directed to Audrey Lozuk-Lawless at the Illinois Pollution Control Board at 815/753-0947 or 312/814-6923.

- 12) Initial Regulatory Flexibility Analysis: No small businesses will be affected to a greater extent than allowed by current statutes and regulations, as this is a proposed regulatory relaxation.

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: August 25, 1995

B) Types of small businesses, small municipalities and not for profit corporations affected: Those small businesses that are regulated by the Metropolitan Water Reclamation District which discharge weak acid dissociable cyanide into the West branch of the DuPage River, Higgins Creek, Salt Creek, and the Des Plaines River within Cook County.

C) Reporting, bookkeeping or other procedures required for compliance: This amendment will not change the current compliance procedures.

D) Types of professional skills necessary for compliance: The same skills as currently necessary for compliance.

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because it was proposed by the Metropolitan Water Reclamation District on April 28, 1995 without any prior notification to the Board, and the Board did not vote to propose these rules until August 24, 1995.

The full text of the Proposed Amendment begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 304

EFFLUENT STANDARDS

SUBPART A: GENERAL EFFLUENT STANDARDS

Section

304.101 Preamble
304.102 Dilution
304.103 Background Concentrations
304.104 Averaging
304.105 Violation of Water Quality Standards
304.106 Offensive Discharges
304.120 Deoxygenating Wastes
304.121 Bacteria
304.122 Nitrogen (STORET number 00610)
304.123 Phosphorus (STORET number 00665)
304.124 Additional Contaminants
304.125 pH
304.126 Mercury
304.140 Delays in Upgrading (Repealed)
304.141 NPDES Effluent Standards
304.142 New Source Performance Standards (Repealed)

SUBPART B: SITE SPECIFIC RULES AND
EXCEPTIONS NOT OF GENERAL APPLICABILITY

Section

304.201 Wastewater Treatment Plant Discharges of The Metropolitan Water Reclamation ~~Sanitary~~ District of Greater Chicago
304.202 Chlor-alkali Mercury Discharges in St. Clair County
304.203 Copper Discharges by Olin Corporation
304.204 Schoenberger Creek: Groundwater Discharges
304.205 John Deere Foundry Discharges
304.206 Alton Water Company Treatment Plant Discharges
304.207 Galesburg Sanitary District Deoxygenating Wastes Discharges
304.208 City of Lockport Treatment Plant Discharges
304.209 Wood River Station Total Suspended Solids Discharges
304.210 Alton Wastewater Treatment Plant Discharges
304.211 Discharges From Borden Chemicals and Plastics Operating Limited Partnership Into an Unnamed Tributary of Long Point Slough
304.212 Sanitary District of Decatur Discharges
304.213 UNO-VEN Refinery Ammonia Discharge
304.214 Mobil Oil Refinery Ammonia Discharge
304.215 City of Tuscola Wastewater Treatment Facility Discharges

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304.216 Newton Station Suspended Solids Discharges
304.218 City of Pana Phosphorus Discharge
304.219 North Shore Sanitary District Phosphorus Discharges
304.220 East St. Louis Treatment Facility, Illinois-American Water Company
304.221 Ringwood Drive Manufacturing Facility in McHenry County
304.222 Intermittent Discharge of TRC

SUBPART C: TEMPORARY EFFLUENT STANDARDS

Section

304.301 Exception for Ammonia Nitrogen Water Quality Violations
304.302 City of Joliet East Side Wastewater Treatment Plant
304.303 Amerock Corporation, Rockford Facility

APPENDIX A References to Previous Rules

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act (415 ILCS 5/13 and 27).

SOURCE: Filled with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 30, p. 343, effective July 27, 1978; amended at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; amended at 4 Ill. Reg. 20, p. 53, effective May 7, 1980; amended at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 6 Ill. Reg. 13750, effective October 26, 1982; amended at 7 Ill. Reg. 3020, effective March 4, 1983; amended at 7 Ill. Reg. 8111, effective June 23, 1983; amended at 7 Ill. Reg. 14515, effective October 14, 1983; amended at 7 Ill. Reg. 14910, effective November 14, 1983; amended at 8 Ill. Reg. 1600, effective January 18, 1984; amended at 8 Ill. Reg. 3687, effective March 14, 1984; amended at 8 Ill. Reg. 8237, effective June 8, 1984; amended at 9 Ill. Reg. 1379, effective January 21, 1985; amended at 9 Ill. Reg. 4510, effective March 22, 1985; peremptory amendment at 10 Ill. Reg. 456, effective December 23, 1985; amended at 11 Ill. Reg. 3117, effective January 28, 1987; amended in R84-13 at 11 Ill. Reg. 7291, effective April 3, 1987; amended in R86-17(A) at 11 Ill. Reg. 14748, effective August 24, 1987; amended in R84-16 at 12 Ill. Reg. 2445, effective January 15, 1988; amended in R83-23 at 12 Ill. Reg. 8658, effective May 10, 1988; amended in R87-27 at 12 Ill. Reg. 9905, effective May 27, 1988; amended in R82-7 at 12 Ill. Reg. 10712, effective June 9, 1988; amended in R85-29 at 12 Ill. Reg. 12064, effective July 12, 1988; amended in R87-22 at 12 Ill. Reg. 13966, effective August 23, 1988; amended in R86-3 at 12 Ill. Reg. 20126, effective November 16, 1988; amended in R84-20 at 13 Ill. Reg. 851, effective January 9, 1989; amended in R85-11 at 13 Ill. Reg. 2060, effective February 6, 1989; amended in R88-1 at 13 Ill. Reg. 5976, effective April 18, 1989; amended in R86-17(B) at 13 Ill. Reg. 7754, effective May 4, 1989; amended in R88-22 at 13 Ill. Reg. 8880, effective May 26, 1989; amended in R87-6 at 14 Ill. Reg. 6777, effective April 24, 1990; amended in R87-36 at 14 Ill. Reg. 9437, effective May

POLLUTION CONTROL BOARD

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- (April-October) 00610 2.5
(November-March) 00610 4.0
- c) Chicago Waterway Evaluation
The Metropolitan Water Reclamation Sanitary District of Greater Chicago shall complete and submit to the Board a comprehensive water quality evaluation of the Chicago Waterway System and its influence on the lower Des Plaines and Upper Illinois Rivers by January 15, 1992. Such evaluation shall include assessment of performance levels for North Side, Calumet and Stickney wastewater reclamation plants and the extent of sewer overflow reduction through The Metropolitan Water Reclamation Sanitary District of Greater Chicago's Tunnel and Reservoir Plan.
- d) John E. Egan, Hanover Park, and James C. Kirie Water Reclamation Plants
The discharges of the John E. Egan, Hanover Park, and James C. Kirie Water Reclamation Plants must meet a weak acid dissociable cyanide (STORET 00718) effluent standard of 10 ug/L, subject to the averaging rule of Section 304.104(a).
- (Source: Amended at 19 Ill. Reg. _____, effective _____)

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31, 1990; amended in R88-21(B) at 14 Ill. Reg. 12538, effective July 18, 1990; amended in R84-44 at 14 Ill. Reg. 20719, effective December 11, 1990; amended in R86-14 at 15 Ill. Reg. 241, effective December 18, 1990; amended in R93-8 at 18 Ill. Reg. 267, effective December 22, 1993; amended in R87-33 at 18 Ill. Reg. 11574, effective July 7, 1994; amended in R95-14 at 19 Ill. Reg. _____, effective _____.

SUBPART B: SITE SPECIFIC RULES AND EXCEPTIONS NOT OF GENERAL APPLICABILITY

Section 304.201 Wastewater Treatment Plant Discharges of The Metropolitan Water Reclamation Sanitary District of Greater Chicago

- a) Calumet Treatment Plant Cyanide Discharges:
The effluent standards of Section 304.124 as applied to cyanide discharges, Sections 304.120(b) and (c) and Section 304.122 do not apply to BOD(5), total suspended solids, cyanide, and ammonia-nitrogen discharged from the Calumet Sewage Treatment Works of The Metropolitan Water Reclamation Sanitary District of Greater Chicago. Instead it must meet the following effluent standard, subject to the averaging rule of Section 304.104(a), effective July 1, 1988:

CONSTITUENT	STORET NUMBER	CONCENTRATION mg/l
CBOD(5)	80082	24
SS	00530	28
Ammonia-Nitrogen (as N)	00610	13
Cyanide	00720	0.15

- b) North Side Sewage Treatment Works:
The effluent standards of Sections 304.120(b) and (c) and 304.122 do not apply to BOD(5), total suspended solids, and ammonia-nitrogen discharged from the North Side Sewage Treatment Works of The Metropolitan Water Reclamation Sanitary District of Greater Chicago. Instead, it must meet the following standard, subject to the averaging rule of Section 304.104(a) effective July 1, 1988:

CONSTITUENT	STORET NUMBER	CONCENTRATION mg/l
CBOD(5)	80082	12
SS	00530	20
Ammonia-Nitrogen (as N)		

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- 1) Heading of the Part: Water Use Designations and Site Specific Water Quality Standards
- 2) Code Citation: 35 Ill. Adm. Code 303
- 3) Section Numbers: Proposed Action:
303.444 Add
- 4) Statutory Authority: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/13 and 27].
- 5) A Complete Description of the Subjects and Issues Involved: A more detailed description of this site-specific rulemaking is included in the Board's August 24, 1995 opinion and order in Docket R95-14 which is available from the Board at the address specified in question #11 below. This rule was proposed by the Metropolitan Water Reclamation District of Greater Chicago. The Board held a hearing in this matter on June 30, 1995 in Chicago, Illinois. Briefly this rulemaking amends the Board's General Use Chronic Standard (CS) for weak acid dissociable (WAD) cyanide form 5.2 mg/L to 10 mg/L as applied to the West branch of the DuPage River, Higgins Creek, Salt Creek, and the Des Plaines River within Cook County.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this part? No
- 10) Statement of Statewide Policy Objectives: This proposed amendment does not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: This Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R95-14 and be address to:

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

and

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

Mr. Michael Rosenberg
Attorney
Metropolitan Water Reclamation
District of Greater Chicago
100 East Erie Street
Chicago, IL 60611

Questions may be directed to Audrey Lozuk-Lawless at the Illinois Pollution Control Board at (815) 753-0947 or (312) 814-6923.

- 12) Initial Regulatory Flexibility Analysis: No small business will be affected to a greater extent than allowed by current statutes and regulations, as this is a proposed regulatory relaxation.
 - A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: August 25, 1995
 - B) Types of small businesses, small municipalities and not for profit corporations affected: Those small businesses that are regulated by the Metropolitan Water Reclamation District which discharge weak acid dissociable cyanide into the West branch of the DuPage River, Higgins Creek, Salt Creek, and the Des Plaines River within Cook County.
 - C) Reporting, bookkeeping or other procedures required for compliance: This amendment will not change the current compliance procedures.
 - D) Types of professional skills necessary for compliance: The same skills as currently necessary for compliance.
- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because it was proposed by the Metropolitan Water Reclamation District on April 28, 1995 without any prior notification to the Board, and the Board did not vote to propose these rules until August 24, 1995.

The full text of the Proposed Amendment begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 303

WATER USE DESIGNATIONS AND SITE SPECIFIC
WATER QUALITY STANDARDS

SUBPART A: GENERAL PROVISIONS

Section
303.100
303.101
303.102

Scope and Applicability
Multiple Designations
Rulemaking Required

SUBPART B: NONSPECIFIC WATER USE DESIGNATIONS

Section
303.200
303.201
303.202
303.203
303.204

Scope and Applicability
General Use Waters
Public and Food Processing Water Supplies
Underground Waters
Secondary Contact and Indigenous Aquatic Life Waters

SUBPART C: SPECIFIC USE DESIGNATIONS AND SITE
SPECIFIC WATER QUALITY STANDARDS

Section
303.300
303.301
303.311

Scope and Applicability
Organization
Ohio River Temperature

303.312 Waters Receiving Fluorspar Mine Drainage
303.321 Wabash River Temperature

303.322 Unnamed Tributary of the Vermillion River
303.323 Sugar Creek and Its Unnamed Tributary

303.331 Mississippi River North Temperature
303.341 Mississippi River North Central Temperature

303.351 Mississippi River South Central Temperature
303.352 Unnamed Tributary of Wood River Creek

303.353 Schoenberg Creek; Unnamed Tributary of Cahokia Canal
303.361 Mississippi River South Temperature

303.400 Bankline Disposal Along the Illinois Waterway/River
303.430 Unnamed Tributary to Dutch Creek

303.431 Long Point Slough and Its Unnamed Tributary
303.441 Secondary Contact Waters

303.442 Waters Not Designated for Public Water Supply
303.443 Lake Michigan

303.444 Salt Creek, Higgins Creek, West Branch of the DuPage River, Des

POLLUTION CONTROL BOARD

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Plaines River

SUBPART D: THERMAL DISCHARGES

Section
303.500 Scope and Applicability
303.502 Lake Sangchris Thermal Discharges

APPENDIX A References to Previous Rules
APPENDIX B Sources of Codified Sections

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/13 and 27].

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 27, p. 221, effective July 5, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 5 Ill. Reg. 11592, effective October 19, 1981; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 7 Ill. Reg. 8111, effective June 23, 1983; amended in R87-27 at 12 Ill. Reg. 9917, effective May 27, 1988; amended in R87-2 at 13 Ill. Reg. 15649, effective September 22, 1989; amended in R87-36 at 14 Ill. Reg. 9460, effective May 31, 1990; amended in R89-14 at 14 Ill. Reg. 20724, effective December 18, 1990; amended in R89-14(C) at 16 Ill. Reg. 14684, effective September 10, 1992; amended in R92-17 at 18 Ill. Reg. 2981, effective February 14, 1994; amended in R91-23 at 18 Ill. Reg. 13457, effective August 19, 1994; amended in R93-13 at 19 Ill. Reg. 1310, effective January 30, 1995; amended in R95-14 at 19 Ill. Reg. _____, effective _____.

SUBPART C: SPECIFIC USE DESIGNATIONS AND SITE SPECIFIC WATER QUALITY STANDARDS

Section 303.444 Salt Creek, Higgins Creek, West Branch of the DuPage River,
Des Plaines River

The General Use chronic water quality standard for cyanide (STORET number 00718) contained in Section 302.208 does not apply to Salt Creek, Higgins Creek, the West Branch of the DuPage River, and the Des Plaines River in Cook County, Illinois. Instead, for these waters the chronic cyanide standard is 10 ug/L.

(Source: Added at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULE

- 1) Heading of the Part: Environmental Health Practitioner Licensing Act

- 2) Code Citation: 68 Ill. Adm. Code 1247

- 3) Section Numbers: Proposed Action:

1247.10	New Section
1247.20	New Section
1247.30	New Section
1247.40	New Section
1247.50	New Section
1247.60	New Section
1247.70	New Section
1247.80	New Section
1247.90	New Section
1247.110	New Section

- 4) Statutory Authority: Implementing the Environmental Health Practitioner Licensing Act (P.A. 87-1223, effective July 1, 1993, and P.A. 89-0061, effective June 30, 1995) [225 ILCS 37] and authorized by Section 17 of the Act [225 ILCS 37/17].

- 5) A Complete Description of the Subjects and Issues Involved: Public Act 87-1223, effective July 1, 1993, as amended by P.A. 89-0061, effective June 30, 1995, provides for the licensure of environmental health practitioners by the Department of Professional Regulation. The General Assembly provided funding for FY 1996 to implement the Act. When adopted, these rules will allow the Department to begin processing licensure applications.

A grandfather period for licensure will run through December 31, 1996. These proposed rules detail how applicants qualified by education and experience can obtain licenses as environmental health practitioners under grandfather provisions of Section 21 of the Act.

To qualify for licensure under grandfather provisions, an applicant must submit to the Department a complete work history, a \$100 application fee and one of the following:

Proof of passage of the Environmental Health Proficiency Exam and certification by the applicant's employer that on June 30, 1995, the effective date of the amendatory Act, the applicant was serving as a sanitarian or environmental health practitioner in environmental health practice in the State of Illinois; or

Verification of current registration as a sanitarian or environmental health practitioner issued by the Registration Board of the Illinois Environmental Health Association or the National Environmental Health

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Association. The proposed rules tell how to apply to take the Environmental Health Proficiency Exam administered by the Department or its designated testing service and establish a passing score of 70 on the examination.

Minimum criteria are provided for gaining Department approval for baccalaureate or master's programs for environmental health practitioners. To be approved, the program must include a minimum of 30 semester hours, or the equivalent, of basic sciences with at least three hours each in physical sciences, chemical sciences, biological sciences and math. The proposed rules also establish that the Department will accept a program in environmental health science from a college or university approved by the National Environmental Health Science and Protection Accreditation Council.

The proposed rules provide that the 12 months of experience required by the Act be received from a licensed/registered environmental health practitioner or a licensed professional engineer practicing in environmental health. Full-time experience is defined as a minimum of 1,800 hours during a 12-month period.

The proposed rules tell how persons licensed or registered as environmental health practitioners in other jurisdictions can obtain licensure by endorsement in Illinois. They also describe how to renew or restore a license, how to place a license on inactive status and under what circumstances the Director of the Department may grant variances to these rules.

- 6) Do these proposed Rules replace an emergency Rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed Rules contain incorporations by reference? No
- 9) Are there any other proposed Rules pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no effect on local governments.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Interested persons may submit written comments to:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786

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217/785-0800 Fax #: 217/782-7645

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing services of sanitarians or environmental health practitioners.

B) Reporting, bookkeeping or other procedures required for compliance: The first license renewal period will be April 30, 1998. Licensees are responsible for notifying the Department of any change of address. Continuing education will be required to renew a license April 30, 2000, and every renewal thereafter.

C) Types of professional skills necessary for compliance: Environmental health practitioner skills are necessary for licensure.

13) Regulatory Agenda on which this rulemaking was summarized: January 1995.

The full text of the Proposed Rules begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULE

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER B: PROFESSIONS AND OCCUPATIONS

PART 1247

ENVIRONMENTAL HEALTH PRACTITIONER LICENSING ACT

Section 1247.10	Application for Licensure as an Environmental Health Practitioner Under Section 21(a) or (b) of the Act (Grandfather)
1247.20	Application for Examination/Licensure
1247.30	Examination
1247.40	Approved Programs of Environmental Health Practitioners
1247.50	Experience
1247.60	Endorsement
1247.70	Renewal
1247.80	Inactive Status
1247.90	Restoration
1247.110	Granting Variances

AUTHORITY: Implementing the Environmental Health Practitioner Licensing Act [225 ILCS 37] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 19 Ill. Reg. _____, effective _____.

Section 1247.10 Application for Licensure as an Environmental Health Practitioner Under Section 21(a) or (b) of the Act (Grandfather)

- a) Any person seeking licensure under Section 21(a) of the Environmental Health Practitioner Licensing Act (the Act) shall file an application with the Department of Professional Regulation (the Department), on forms provided by the Department. The application shall be postmarked no later than December 31, 1996, and shall include the following:
- 1) Certification by the applicant's employer that on June 30, 1995, the effective date of the amendatory Act, the applicant was serving as a sanitarian or environmental health practitioner in environmental health practice in the State of Illinois;
 - 2) Proof of passage of the examination set forth in Section 1247.30;
 - 3) A complete work history; and
 - 4) The required fee set forth in Section 28 of the Act.
- b) Any person seeking licensure without examination under Section 21(b) of the Act shall file an application with the Department, on forms provided by the Department. The application shall be postmarked no later than December 31, 1996, and shall include the following:
- 1) Verification of current registration as a sanitarian or

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environmental health practitioner issued by the Registration Board of the Illinois Environmental Health Association or the National Environmental Health Association;

- 2) A complete work history; and
- 3) The required fee set forth in Section 28 of the Act.

Section 1247.20 Application for Examination/Licensure

An applicant for examination to obtain licensure as an environmental health practitioner shall file an application, on forms provided by the Department, at least 90 days prior to the examination date. The application shall include:

- a) Verification, on forms provided by the Department, that the applicant meets one of the following qualifications:
 - 1) Holds a bachelor's degree from an accredited college or university approved by the National Environmental Health Science and Protection Accreditation Council for environmental health curricula or its equivalent as approved by the Department in accordance with Section 1247.40 of this Part;
 - 2) Holds a bachelor's degree from an accredited college or university which included a minimum of 30 semester hours, or the equivalent, of basic sciences approved by the Department in accordance with Section 1247.40 and 12 months of full-time experience as set forth in Section 1247.50; or
 - 3) Holds a master's degree in public health or environmental health science from an accredited college or university if the applicant has completed a minimum of 30 semester or equivalent hours of basic science as approved by the Department in accordance with Section 1247.40;

- b) A complete work history since receipt of a bachelor's degree;
- c) The required fee set forth in Section 28 of the Act; and
- d) Certification, on forms provided by the Department, from the jurisdiction in which the applicant was originally licensed and the jurisdiction in which the applicant predominantly practices and is currently registered/licensed, if applicable, stating:
 - 1) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 - 2) A description of the examination in that jurisdiction; and
 - 3) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

Section 1247.30 Examination

- a) The examination for licensure as an environmental health practitioner shall be the Environmental Health Proficiency Exam administered by the Department or its designated testing service.
- b) The passing score on the examination shall be 70%.

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Section 1247.40 Approved Programs of Environmental Health Practitioners

- a) The Department of Professional Regulation shall approve a bachelor's or master's program if it meets the following minimum criteria:
 - 1) The school or program is accredited by an agency recognized by the Council on Post-secondary Accreditation and the United States Department of Education or the jurisdiction in which it is located.
 - 2) The program has a sufficient number of full-time instructors to assure that educational obligations to the student are fulfilled. The faculty must have demonstrated competence as evidenced by appropriate degrees in their area(s) of teaching from professional colleges or institutions.
 - 3) Has a designated program director.
 - 4) Maintains permanent student records which summarize the credentials for admission, attendance, grades and other records of performance.
 - 5) Has a curriculum with a minimum of 30 semester hours, or the equivalent, of basic sciences with at least 3 hours in each of the following areas:
 - A) Physical Sciences;
 - B) Chemical Sciences;
 - C) Biological Sciences; and
 - D) Math.
- b) The Department shall accept a program in environmental health science from a college or university approved by the National Environmental Health Science and Protection Accreditation Council.

Section 1247.50 Experience

- a) A minimum of 12 months of full-time experience in environmental health as defined in Section 10 of the Act is required for licensure under Section 20(1)(B) of the Act. The experience shall have been received from an individual(s) who, at the time supervision took place, was one of the following:
 - 1) A Licensed/Registered Environmental Health Practitioner.
 - 2) A Licensed Professional Engineer practicing in Environmental Health.
- b) Full-time experience is defined as a minimum of 1,800 hours during a 12 month period.

Section 1247.60 Endorsement

- a) An applicant who is licensed/registered under the laws of another jurisdiction and who wishes to be licensed in Illinois as an environmental health practitioner shall file an application with the Department, on forms provided by the Department, which includes:
 - 1) Proof of Education and Experience

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- A) Certification of a bachelor's degree from an accredited college or university approved by the National Environmental Health Science and Protection Accreditation Council for environmental health curricula or its equivalent as approved by the Department in accordance with Section 1247.40 of this Part; or
- B) Certification of a bachelor's degree from an accredited college or university which included a minimum of 30 semester hours or the equivalent of basic sciences approved by the Department in accordance with Section 1247.40 and 12 months of full time experience as set forth in Section 1247.50; or
- C) Certification of a master's degree in public health or environmental health science from an accredited college or university if the applicant has completed a minimum of 30 semester or equivalent hours of basic science as approved by the Department in accordance with Section 1247.40;
- 2) Certification of successful completion of the Professional Examination Service Environmental Health Proficiency Exam or its equivalent;
- 3) A complete work history;
- 4) The required fee set forth in Section 28 of the Act; and
- 5) Certification, on forms provided by the Department, from the jurisdiction in which the applicant was originally licensed and the state in which the applicant predominantly practices and is currently registered/licensed, if applicable, stating:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 - B) A description of the examination in that jurisdiction; and
 - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- b) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience is questioned by the Department because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the applicant seeking licensure by endorsement shall be requested to:
 - 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the Environmental Health Practitioners Board (Board) to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

Section 1247.70 Renewal

- a) The first renewal period for licenses issued under the Act shall end April 30, 1998. Thereafter, every license issued under the Act shall expire on April 30 of even-numbered years. The holder of a license

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- may renew such license during the month preceding the expiration date by paying the fee required by Section 28 of the Act.
- b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.
 - c) Continuing education will be required to renew a license on April 30, 2000, and every renewal thereafter.

Section 1247.80 Inactive Status

- a) A licensed environmental health practitioner who notifies the Department, on forms provided by the Department, may place the license on inactive status and shall be excused from paying renewal fees until he/she notifies the Department in writing of the intention to resume active practice.
- b) Any licensed environmental health practitioner seeking restoration from inactive status shall do so in accordance with Section 1247.90.
- c) Any environmental health practitioner whose license is on inactive status shall not practice as an environmental health practitioner and shall not use the title "registered" or "licensed" environmental health practitioner in the State of Illinois. Any person violating this subsection shall be considered to be practicing without a license and shall be subject to the disciplinary provisions of the Act.

Section 1247.90 Restoration

- a) Any environmental health practitioner whose license expired or has been placed on inactive status for 5 years or less may have the license restored by paying the fees required by Section 28 of the Act.
- b) Any person seeking restoration of a license that has been expired or placed on inactive status for more than 5 years shall file an application, on forms provided by the Department, for review by the Board, together with the fee required by Section 28 of the Act. The applicant shall also submit either:
 - 1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from an appropriate board or licensing authority in the other jurisdiction that the licensee/registrant was authorized to practice during the term of active practice; or
 - 2) An affidavit attesting to military service as provided in Section 27(c) of the Act; or
 - 3) Proof of passage of the environmental Health Proficiency Examination during the period the license was lapsed or on inactive status.
- c) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department because of a lack of information, discrepancies or

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NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Food Stamps

2) Code Citation: 89 Ill. Adm. Code 121

3) Section Numbers: Proposed Action:

121.160 Amendment
121.162 Amendment
121.182 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and P. A. 89-21.

5) Complete Description of the Subjects and Issues Involved: Pursuant to Public Act 89-21, these proposed amendments enable the Department to designate criteria for eligibility of local governmental units and clients to participate in the Earnfare program. This rulemaking establishes that adults who receive food stamps and who volunteer or are court ordered, unless exempt, will be required to participate in the Food Stamp Employment and Training Program. These individuals will be assigned to the Earnfare Component.

These proposed amendments also establish that local governmental units will be eligible to participate in the operation of the Earnfare program in the following priority order as resources permit:

1. Local governmental units that receive State funds; and

2. Local governmental units, that neither receive State funds nor are under a current contract with the Department, will be eligible to contract with the Department to administer Earnfare. The Department will reimburse client payment, transportation and up to 50% of allowable administrative staff costs. The Department will select non-receiving units to participate in the program from the applications received based on, but not limited to, the unemployment rate, percentage of the population receiving food stamps, outreach and recruitment plans, linkage with employers and connection to a court of competent jurisdiction to enable operation of the Non-custodial Parent/Earnfare Initiative.

6) Will these proposed amendments replace emergency amendments currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

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conflicts in information given, or a need for clarification, the registrant seeking restoration shall be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

d) Upon the recommendation of the Board and approval of the Director, an applicant shall have the registration restored or be notified in writing of the reason for denying the application.

Section 1247.110 Granting Variances

a) The Director of the Department may grant variances from these rules in individual cases when he/she finds that:

- 1) The provision from which the variance is granted is not statutorily mandated;
- 2) No party will be injured by the granting of the variance; and
- 3) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

b) The Director shall notify the Board of the granting of such variance, and the reasons therefor, at the next meeting of the Board.

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Section Number	Proposed Action	Illinois Register Citation
121.160	Amendment	June 16, 1995 (19 Ill. Reg. 7786)
121.162	Amendment	June 16, 1995 (19 Ill. Reg. 7786)
121.182	Amendment	June 16, 1995 (19 Ill. Reg. 7786)
121.184	Amendment	June 16, 1995 (19 Ill. Reg. 7786)

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

- 11) Time, place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Ave., E., 3rd Floor
Springfield, IL 62762
(217) 524-3215

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act (5 ILCS 100/5-40).

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None

- B) Reporting, bookkeeping or other procedures required for compliance: None

- C) Types of professional skills necessary for compliance: None

- 13) This rule was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Register on page 12607.

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Practice in Administrative Hearings
- 2) Code Citation: 89 Ill. Adm. Code 104
- 3) Section Number: Proposed Action:
104.221 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13]

- 5) Complete Description of the Subjects and Issues Involved: The Department of Public Aid is proposing amendments concerning administrative hearings that are initiated when a provider in the Medical Assistance Program is not in compliance with State income tax requirements, child support requirements of Article X of the Public Aid Code, or the repayment of educational loans guaranteed by the Illinois State Scholarship Commission. The Department may suspend a provider's eligibility to participate in the Medical Assistance Program, if the provider is not in compliance with these requirements. The provider may prevent such suspension by paying past-due amounts in full or by entering into payment arrangements acceptable to the appropriate State agency.

The proposed changes in Section 104.221 correspond to similar changes being proposed to 89 Ill. Adm. Code 140.16(c), which address suspension of eligibility to participate in the Medical Assistance Program. The authority for both rulemakings is contained in Public Act 88-554 and Section 5-16.6 of the Public Aid Code [305 ILCS 5/5-16.6].

These proposed amendments are not expected to result in any changes in Department expenditures.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
104.208	Amendment	July 14, 1995 (19 Ill. Reg. 9389)
104.210	Amendment	July 14, 1995 (19 Ill. Reg. 9389)
104.270	Amendment	July 14, 1995 (19 Ill. Reg. 9389)
104.273	Amendment	July 14, 1995 (19 Ill. Reg. 9389)

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- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Joanne Jones, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave., 3rd Floor, Springfield, Illinois 62762 (Phone: (217) 524-3215). The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not for profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Providers in the Medical Assistance Program

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1995.

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER a: GENERAL PROVISIONS

PART 104

PRACTICE IN ADMINISTRATIVE HEARINGS

SUBPART A: ASSISTANCE APPEAL

Section	
104.1	Assistance Appeals
104.10	Initiation of Appeal Process
104.11	Pre-Appeal Review
104.12	Notice of Hearing
104.20	Conduct of Hearings
104.21	Representation
104.22	Appellant Participation in Hearing
104.23	Evidentiary Requirements
104.30	Subpoenas
104.35	Amendment of Appeal
104.40	Consolidation of Appeals
104.45	Postponement or Continuation of Hearings
104.50	Withdrawal of Appeal
104.55	Closing of Hearing Record
104.60	Dismissal of Appeal
104.70	Final Administrative Decision
104.80	Public Aid Committee

SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS

Section	
104.100	Responsible Relative and Joint Payee Petitions
104.101	Petition for Hearing
104.102	Conduct of Administrative Support Hearings
104.103	Conduct of Hearings to Contest the Determination of Past-Due Support or of Share of Jointly-Owned Funds
104.104	Conduct of Other Hearings

SUBPART C: MEDICAL VENDOR HEARINGS

Section	
104.200	Applicability
104.202	Definitions
104.204	Notice of Denial of an Application
104.206	Notice of Intent to Recover Money
104.208	Notice of Intent to Terminate, Suspend or Not Renew Provider Agreement
104.209	Notice of Intent to Certify Past-Due Support Owed by a Responsible

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Relative to a State Licensing Agency and to Take Disciplinary Action
 104.210 Right to Hearing
 104.211 Notice of Termination or Suspension Pursuant to Exclusion by the
 Department of Health and Human Services
 104.212 Prior Factual Determinations
 104.215 Notice of Formal Conference
 104.216 Formal Conference on Recovery of Money
 104.217 Purpose of Formal Conference
 104.220 Notice of Hearing
 104.221 Issues at Hearings
 104.225 Legal Counsel
 104.226 Appearance of Attorney or Other Representative
 104.230 Notice, Service and Proof of Service
 104.231 Form of Papers
 104.235 Discovery
 104.240 Conduct of Hearings
 104.241 Amendments
 104.242 Motions
 104.243 Subpoenas
 104.244 Burden of Proof
 104.245 Witness at Hearings
 104.246 Evidence at Hearings
 104.247 Cross-Examination
 104.250 Official Notice
 104.255 Computer Generated Documents
 104.260 Recommendation of Peer Review Committee
 104.270 Time Limits for Hearings
 104.271 Continuances and Extensions
 104.272 Withholding of Payments During Pendency of Proceedings
 104.273 Continuation of Payments During Pendency of Proceedings
 104.274 Denial of Payments During Pendency of Proceedings
 104.280 Record of Hearings
 104.285 Failure to Appear or Proceed
 104.290 Recommended Decision
 104.295 Director's Decision

SUBPART D: RULES FOR JOINT DEPARTMENT ACTIONS AGAINST
 SKILLED NURSING FACILITIES AND INTERMEDIATE CARE
 FACILITIES PARTICIPATING IN THE MEDICAID PROGRAM

Section
 104.300 Authority
 104.302 Definitions
 104.304 Department Actions Against Nursing Homes Facilities
 104.310 Certification
 104.320 Joint Administrative Hearing
 104.330 Facilities Certified Under Part B to Medicare and Medicaid

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NOTICE OF PROPOSED AMENDMENTS

SUBPART E: FOOD STAMP ADMINISTRATIVE DISQUALIFICATION HEARINGS

104.400 Suspected Intentional Violation of the Program
 104.410 Advance Notice of Administrative Disqualification Hearing
 104.420 Postponement of Hearing
 104.430 Administrative Disqualification Hearing Procedures
 104.440 Failure to Appear
 104.450 Participation While Awaiting a Hearing
 104.460 Consolidation of Administrative Disqualification Hearing with Fair
 Hearing
 104.470 Administrative Disqualification Hearing Decision and Notice of
 Decision
 104.480 Appeal Procedure

SUBPART F: INCORPORATION BY REFERENCE

Section
 104.800 Incorporation by Reference

AUTHORITY: Implementing Sections 11-8 through 11-8.7, 12-4.9 and 12-4.25 and
 authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/11-8
 through 11-8.7, 12-4.9, 12-4.25 and 12-13].

SOURCE: Filed and effective December 30, 1977; emergency rule at 2 Ill. Reg.
 11, pg. 151, effective March 9, 1978 for a maximum of 150 days; amended at 2
 Ill. Reg. 21, p. 10, effective May 26, 1978; amended at 2 Ill. Reg. 33, p. 57,
 effective August 17, 1978; peremptory amendment at 3 Ill. Reg. 11, p. 38,
 effective March 1, 1979; amended at 4 Ill. Reg. 21, p. 80, effective May 8,
 1980; peremptory amendment 5 Ill. Reg. 1197, effective January 23, 1981;
 amended at 5 Ill. Reg. 10753 effective October 1, 1981; amended at 6 Ill. Reg.
 894, effective January 7, 1982; codified at 7 Ill. Reg. 5706; amended at 8 Ill.
 Reg. 5274, effective April 9, 1984; amended (by adding Sections being codified
 with no substantive change) at 8 Ill. Reg. 16979; amended at 8 Ill. Reg. 18114,
 effective September 21, 1984; amended at 10 Ill. Reg. 10129, effective June 1,
 1986; amended at 11 Ill. Reg. 9213, effective April 30, 1987; amended at 12
 Ill. Reg. 9142, effective May 16, 1988; amended at 13 Ill. Reg. 3944, effective
 March 10, 1989; amended at 13 Ill. Reg. 17013, effective October 16, 1989;
 amended at 14 Ill. Reg. 18836, effective November 9, 1990; amended at 15 Ill.
 Reg. 5320, effective April 1, 1991; amended at 15 Ill. Reg. 6557, effective
 April 30, 1991; amended at 16 Ill. Reg. 12903, effective August 15, 1992;
 amended at 16 Ill. Reg. 16632, effective October 23, 1992; amended at 16 Ill.
 Reg. 18834, effective December 1, 1992; emergency amendment at 17 Ill. Reg.
 659, effective January 7, 1993, for a maximum of 150 days; amended at 17 Ill.
 Reg. 7025, effective April 30, 1993; amended at 18 Ill. Reg. 11260, effective
 July 1, 1994; amended at 19 Ill. Reg. 1321, effective January 30, 1995;
 emergency amendment at 19 Ill. Reg. 10268, effective July 1, 1995, for a
 maximum of 150 days; amended at 19 Ill. Reg. _____, effective

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

SUBPART C: MEDICAL VENDOR HEARINGS

Section 104.221 Issues at Hearings

- a) The sole issue at a hearing where the basis for denial of an application pursuant to 89 Ill. Adm. Code 140.14(d) is that the vendor does not have a necessary license, certificate or authorization shall be whether ~~or not~~ the vendor has such a license, certificate or authorization.
- b) The sole issue at a hearing where the basis of the denial of an application is as set forth in 89 Ill. Adm. Code 140.14(b) shall be whether the vendor has demonstrated, according to the factors listed in that Section, in light of the prior activities, that he should be admitted to the Medical Assistance Program.
- c) The sole issue at a hearing where the basis for termination is as set forth in 89 Ill. Adm. Code 140.16(a)(2) shall be whether ~~or not~~ the appropriate licensing, certifying or authorizing agency has determined that the vendor does not have a necessary license, certification or authorization.
- d) The sole issue at a hearing requested by a previously suspended vendor that is being terminated pursuant to 89 Ill. Adm. Code 140.19(b) shall be whether ~~or not~~ the vendor has corrected the deficiencies on which the suspension was based.
- e) At a hearing conducted pursuant to Subpart D of this Part, the sole relevant time with respect to the existence of the violations of the Department's requirements alleged in the notice shall be the date or dates in the notice.
- f) The only issues at a hearing initiated pursuant to Section 104.209 are whether the responsible relative has or is applying for a license, the amount, if any, of delinquent child support owed pursuant to a support order entered by a court or administrative body, and whether the responsible relative is more than 30 days delinquent.
- g) The only issue at a hearing initiated pursuant to Section 140.16(c) is whether the vendor is not in compliance with State income tax requirements, child support requirements of Article X of the Public Aid Code, or educational loans guaranteed by the Illinois State Scholarship Commission.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Certificates of Title, Registration of Vehicles
- 2) Code Citation: 92 Ill. Adm. Code 1010
- 3) Section Numbers: Proposed Action:
1010.540 Amendment
- 4) Statutory Authority: 625 ILCS 5/2-125
- 5) A Complete Description of the Subjects and Issues Involved: Amendment of fee and service charge that may be charged by financial institutions.
- 6) Will this proposed rule replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporation by reference? No.
- 9) Are there any other amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days to:

Robert B. Powers
Assistant Counsel
Secretary of State's Office
298 Howlett
Springfield, IL 62756
(217) 785-3094
- 12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary of State does not feel this proposed rulemaking will affect any types of small business and the proposed rule has not been submitted to the Small Business Office of the Department of Commerce and Community Affairs.
- 13) Regulatory Agenda on which this rulemaking was summarized: July 1995

The full text of the proposed rulemaking begins on the next page:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1010

CERTIFICATES OF TITLE, REGISTRATION OF VEHICLES

SUBPART A: DEFINITIONS

Section
1010.10
1010.20

Owner--Application of Term
Secretary and Department

SUBPART B: TITLES

Section
1010.110

Salvage Certificate--Additional Information Required to Accompany
Application for a Certificate of Title for a Rebuilt or a Restored
Vehicle Upon Surrendering Salvage Certificate
Salvage Certificate--Assignments and Reassignments
Exclusiveness of Lien on Certificate of Title
Documents Required to Title and Register Imported Vehicles Not
Manufactured in Conformity with Federal Emission or Safety Standards
Transferring Certificates of Title Upon the Owner's Death
Repossession of Vehicles by Lienholders and Creditors
Junking Notification

1010.120
1010.130
1010.140

1010.150
1010.160
1010.170

SUBPART C: REGISTRATION

Section
1010.210
1010.220
1010.230
1010.240
1010.250

Application for Registration
Vehicles Subject to Registration--Exceptions
Refusing Registration or Certificate of Title
Registration Plates To Be Furnished By The Secretary of State
Applications For Reassignment

SUBPART D: REVOCATION, SUSPENSION AND CANCELLATION OF REGISTRATION

Section
1010.300
1010.310
1010.320
1010.330
1010.350
1010.360

Operation of Vehicle after Cancellation, Suspension, or Revocation
of any Registration
Improper Use of Evidences of Registration
Suspension, Cancellation or Revocation of Illinois Registration
Plates and Cards and Titles
Operation of Vehicle Without Proper Illinois Registration
Suspension or Revocation
Surrender of Plates, Decals or Cards

SUBPART E: SPECIAL PERMITS AND PLATES

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

Section
1010.410
1010.420
1010.425
1010.426
1010.430

Temporary Registration--Individual Transactions
Temporary Permit Pending Registration In Illinois
Non-Resident Drive-Away Permits
Five Day Permits

Registration Plates for Motor Vehicles Used for Transportation of
Persons for Compensation and Tow Trucks
Title and Registration of Vehicles with Permanently Mounted
Equipment

1010.440
1010.450
1010.451
1010.452
1010.453
1010.454
1010.455

Special Plates
Purple Heart License Plates
Special Event License Plates
Retired Armed Forces Licenses Plates
Gold Star License Plates
Collectible License Plates

Sample License Plates For Motion Picture and Television Studios
Korean War Veteran License Plates
Special Plates for Members of the United States Armed Forces
Reserves

1010.470
1010.480

Dealer Plate Records
State of Illinois In-Transit Plates

SUBPART F: FEES

Section
1010.510
1010.520
1010.530
1010.540

Determination of Registration Fees
When Fees Returnable
Circuit Breaker Registration Discount
Maximum Fees for Distribution of Motor Vehicle Renewal Plates and/or
Stickers

SUBPART G: MISCELLANEOUS

Section
1010.610
1010.620

Unlawful Acts, Fines and Penalties
Change of Engine

SUBPART H: SECOND DIVISION VEHICLES

Section
1010.705
1010.710
1010.715
1010.720
1010.725
1010.730
1010.735
1010.740

Reciprocity
Vehicle Proration
Proration Fees
Vehicle Apportionment
Trip Leasing
Intrastate Movements, Foreign Vehicles
Interline Movements
Trip and Short-term Permits

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

- 1010.745 Signal 30 Permit for Foreign Registration Vehicles (Repealed)
 1010.750 Signal 30-Year-round for Prorated Fleets of Leased Vehicles (Repealed)
 1010.755 Mileage Tax Plates
 1010.756 Suspension or Revocation of Illinois Mileage Weight Tax Plates
 1010.760 Transfer for "For-Hire" Loads
 1010.765 Suspension or Revocation of Exemptions as to Foreign Registered Vehicles
 1010.770 Required Documents for Trucks and Buses to detect "intrastate" movements
 1010.775 Certificate of Safety

- APPENDIX A Uniform Vehicle Registration Proration and Reciprocity Agreement
 APPENDIX B International Registration Plan

AUTHORITY: Implementing Chapter 3 and authorized by Section 2-104(b) of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 3 and 2-104(b)].

SOURCE: Filed and effective December 15, 1970; emergency amendment at 2 Ill. Reg. 25, p. 119, effective June 14, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 12, p. 76, effective March 23, 1979; amended at 3 Ill. Reg. 29, p. 123, effective July 20, 1979; amended at 4 Ill. Reg. 17, p. 247, effective April 11, 1980; emergency amendment at 4 Ill. Reg. 21, p. 99, effective May 14, 1980, for a maximum of 150 days; amended at 6 Ill. Reg. 2241, effective February 1, 1982; amended at 6 Ill. Reg. 11076, effective August 26, 1982; codified at 6 Ill. Reg. 12674; amended at 7 Ill. Reg. 1432, effective January 21, 1983; amended at 7 Ill. Reg. 1436, effective January 21, 1983; amended at 8 Ill. Reg. 5329, effective April 6, 1984; amended at 9 Ill. Reg. 3358, effective March 1, 1985; amended at 9 Ill. Reg. 9176, effective May 30, 1985; amended at 9 Ill. Reg. 12863, effective August 2, 1985; amended at 9 Ill. Reg. 14711, effective September 13, 1985; amended at 10 Ill. Reg. 1243, effective January 6, 1986; amended at 10 Ill. Reg. 4245, effective February 26, 1986; amended at 10 Ill. Reg. 14308, effective August 19, 1986; recodified at 11 Ill. Reg. 15920; amended at 12 Ill. Reg. 14711, effective September 15, 1988; amended at 12 Ill. Reg. 15193, effective September 15, 1988; amended at 13 Ill. Reg. 1598, effective February 1, 1989; amended at 13 Ill. Reg. 5173, effective April 1, 1989; amended at 13 Ill. Reg. 7965, effective May 15, 1989; amended at 13 Ill. Reg. 15102, effective September 15, 1989; amended at 14 Ill. Reg. 4560, effective March 1, 1990; amended at 14 Ill. Reg. 6848, effective April 18, 1990; amended at 14 Ill. Reg. 9492, effective June 1, 1990; amended at 14 Ill. Reg. 19066, effective November 15, 1990; amended at 15 Ill. Reg. 12782, effective August 15, 1991; amended at 16 Ill. Reg. 12587, effective August 1, 1992; amended at 19 Ill. Reg. 11947, effective August 1, 1995; amended at 19 Ill. Reg. _____, effective _____.

SUBPART F: FEES

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

Section 1010.540 Maximum Fees for Distribution of Motor Vehicle Renewal Plates and/or Stickers

The maximum fee and service charge to be imposed upon an applicant for motor vehicle renewal license plates and/or stickers by any financial institution shall be \$4.00 \$9-50. The actual fee allowed shall be set out in the agreement between the Secretary of State and the financial institution and/or the agreement between financial institutions. No additional charge shall be imposed upon the applicant by any such person, firm, corporation or private institution, or its authorized agent for distribution of motor vehicle renewal license plates and/or stickers. The term Financial Institution, for the purposes of this rule, shall mean any federal or state chartered bank, savings and loan, credit union, armored carrier, and any currency exchange either directly or indirectly through an armored carrier.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Cock Pheasant, Hungarian Partridge, Bobwhite Quail and Rabbit Hunting
- 2) Code Citation: 17 Ill. Adm. Code 530
- 3) Section Numbers: Adopted Action:
- | | |
|---------|------------|
| 530.10 | Amendments |
| 530.20 | Amendments |
| 530.70 | Amendments |
| 530.30 | Amendments |
| 530.90 | Amendments |
| 530.100 | Amendments |
| 530.105 | Amendments |
| 530.110 | Amendments |
| 530.115 | Amendments |

- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code (520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29).

- 5) Effective Date of Rulemaking: August 29, 1995

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporations by reference? No

- 8) Date filed in Agency's Principal Office: August 29, 1995

- 9) Notice of Proposal Published in Illinois Register: June 9, 1995, 19 Ill. Reg. 7461

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Difference(s) between proposal and final version:

In Section 530.10, the first citation was changed to read "[520 ILCS 5/3.27]."

In Section 530.70(a), "(Madison County)" was added following "Horseshoe Lake State Park."

In Section 530.80(a)(4), "(Madison County)" was added following "Horseshoe Lake State Park."

In Section 530.80(b), a parentheses was added prior to "except"; "(Madison County)" was added following "Horseshoe Lake State Park"; and "Noon" was

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NOTICE OF ADOPTED AMENDMENTS

changed to lower case.

In Section 530.80(d)(2), "State Park" was added following "Wayne Fitzgerald."

In Section 530.80(d)(4), "(Madison County)" was added following "Horseshoe Lake State Park" and the parentheses at the end of the paragraph was deleted.

In Section 590.80(m), the new language was changed to read as follows: "Any person who violates any provision of this Part or 17 Ill. Adm. Code 510.10(c)(1), (4) and (6) or 510.10(f) or Section 2.33(n), (x) or (z) of the Wildlife Code (520 ILCS 5/2.33(n), (x) or (z)) shall be subject to arrest and/or removal from the premises for the remainder of the controlled pheasant hunting season under applicable statutes including 720 ILCS 5/21-5, Criminal Trespass to State Supported Land."

In Section 530.90(d), "Lee County Conservation Area" was underlined.

In Section 530.105(o) the new language was changed to read as follows: "Any person who violates any provision of this Part or 17 Ill. Adm. Code 510.10(c)(1), (4) and (6) or 510.10(f) or Section 2.33(n), (x) or (z) of the Wildlife Code (520 ILCS 5/2.33(n), (x) or (z)) shall be subject to arrest and/or removal from the premises for the remainder of the controlled pheasant hunting season under applicable statutes including 720 ILCS 5/21-5, Criminal Trespass to State Supported Land."

In Section 530.110(a)(2), the comma following "hunters" was changed to a semicolon.

In Section 530.110 the following were changed:

Herschel Workman - "three" to "j";

Kaecker Sand - "area" to "Area";

Saybrook - following "25" a comma was added and "and" removed; following "21" a comma was added and "and" removed; "three" was changed to "3".

Steward - "(3)" was removed.

Eldon - "five" was changed to "5".

Johnson-Sauk Trail Park - "State" was added following "Trail".

In Section 530.110, the following site was added:

DEPARTMENT OF CONSERVATION

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"Perdueville Habitat Area (open only on November 4, 5, 8, 11, 16, 19, 22, 25, 30, and December 3, 6, 9, 12, 15, 18, 21, 24); each permit authorizes the holder to bring 3 hunting partners."

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: This Part was amended to change season dates, hunting hours and hunting regulations.

16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield, IL 62701-1787
(217) 782-1809

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 530
COCK PHEASANT, HUNGARIAN PARTRIDGE, BOBWHITE QUAIL,
AND RABBIT HUNTING

Section	Statewide General Regulations
530.10	Statewide Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and
530.20	Cottontail and Swamp Rabbit Regulations
530.30	Statewide Hungarian Partridge Regulations (Repealed)
530.40	Statewide Bobwhite Quail Regulations (Repealed)
530.50	Statewide Rabbit Regulations (Repealed)
530.60	Statewide Crow Regulations (Repealed)
530.70	Controlled Pheasant Hunting Sites Permit Requirements
530.80	Controlled Pheasant Hunting Regulations
530.90	Illinois Youth Pheasant Hunting Sites Permit Requirements
530.100	Illinois Youth Pheasant Hunting Regulations
530.105	Regulations for Fee Hunting of Pheasant, Hungarian Partridge, Quail and Rabbit at Controlled Daily Drawing Pheasant Hunting Sites
530.110	Regulations for Non-Fee Hunting of Cock Pheasant, Hungarian Partridge, Quail, and Rabbit at Various Department-Owned or -Managed Sites
530.115	Regulations for Hunting by Falconry Methods at Various Department-Owned or -Managed Sites
530.120	Regulations for Hunting Crow at Various Department-Owned or -Managed Sites (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code (520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29).

SOURCE: Adopted at 5 Ill. Reg. 8777, effective August 25, 1981; codified at 5 Ill. Reg. 10634; amended at 6 Ill. Reg. 10667, effective August 20, 1982; amended at 7 Ill. Reg. 10755, effective August 24, 1983; amended at 8 Ill. Reg. 21574, effective October 23, 1984; amended at 9 Ill. Reg. 15846, effective October 8, 1985; amended at 10 Ill. Reg. 15579, effective September 16, 1986; emergency amendments at 10 Ill. Reg. 18822, effective October 16, 1986, for a maximum of 150 days; emergency expired March 15, 1987; amended at 11 Ill. Reg. 10546, effective May 21, 1987; amended at 12 Ill. Reg. 12016, effective July 7, 1988; amended at 13 Ill. Reg. 12796, effective July 21, 1989; emergency amendments at 13 Ill. Reg. 12985, effective July 31, 1989, for a maximum of 150 days; emergency expired December 28, 1989; amended at 13 Ill. Reg. 17348, effective October 27, 1989; amended at 14 Ill. Reg. 10775, effective June 20, 1990; emergency amendments at 14 Ill. Reg. 18324, effective October 29, 1990,

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for a maximum of 150 days; emergency expired March 28, 1991; amended at 15 Ill. Reg. 924, effective June 24, 1991; emergency amendment at 15 Ill. Reg. 16124, effective October 25, 1991; emergency expired March 23, 1992; amended at 15 Ill. Reg. 18138, effective December 6, 1991; amended at 16 Ill. Reg. 12470, effective July 28, 1992; amended at 16 Ill. Reg. 18951, effective December 1, 1992; amended at 17 Ill. Reg. 15534, effective September 10, 1993; amended at 18 Ill. Reg. 12628, effective August 9, 1994; amended at 19 Ill. Reg. 12615, effective AUG 29 1995.

Section 530.10 Statewide General Regulations

Game breeding and hunting preserve areas licensed pursuant to Section 3.27 of the Wildlife Code ~~§§11-Rev-Stat-1991-ch-61-par-3-27~~ [520 ILCS 5/3.27] and managed pursuant to Sections 3.28 and 3.29 of the Wildlife Code ~~§§11-Rev-Stat-1991-ch-61-par-3-28-and-3-29~~ [520 ILCS 5/3.28 and 3.29] are exempt from all provisions in this Part except for those pertaining to rabbit and crow in Section 530.20 and 530.60.

(Source: Amended at 19 Ill. Reg. 12615, effective AUG 29 1995)

Section 530.20 Statewide Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Cottontail and Swamp Rabbit Regulations

a) Zones: South zone consists of all lands south of the line that follows U.S. Route 36 from the Indiana State line to Springfield, Route 29 from Springfield to Pekin and Route 9 from Pekin to Dallas City, then due west to the Mississippi River; north zone is the remainder of the State.

b) Season dates:
North (all species) - first Saturday in November through the ~~first Wednesday~~ in the next following January 8.
South (all species except rabbits) - first Saturday in November through the ~~second Sunday~~ in the next following January 15.
South (rabbits) - the first Saturday in November through the next following January 22.

c) Hunting hours: Sunrise until sunset.
d) Daily limit:

Cock pheasant - 2
Bobwhite Quail - 8
Hungarian Partridge - 2
Rabbit - 4

e) Possession limit (after the second day of the hunting season):

Cock Pheasant - 6
Bobwhite Quail - 20
Hungarian Partridge - 6
Rabbit - 10

f) Cock pheasant may be hunted only; pen pheasants are illegal to take or

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possess, except as specified on controlled hunting areas operated pursuant to Sections 1.13 or 3.27 of the Wildlife Code ~~§§11-Rev-Stat-1991-ch-61-par-1-13-or-3-27~~ [520 ILCS 5/1.13 or 3.27] or at sites listed in Section 530.105 and as provided for on designated sites in Section 530.110, and by falconry methods as described in 17 Ill. Adm. Code 1590, Falconry and the Captive Propagation of Raptors.

(Source: Amended at 19 Ill. Reg. 12615, effective AUG 29 1995)

Section 530.70 Controlled Pheasant Hunting Sites Permit Requirements

a) Applicants must contact the Department of Conservation (Department or DOC) to obtain a permit reservation. (However for Wayne Fitzgerald, Silver Springs State Park, Ramsey Lake State Park, Horseshoe Lake State Park (Madison County) Site-M and Lee County Conservation Area (Green River), applicants must contact the concessionaire. Should the concessionaire, for any reason, fail to operate the concession, applicants must contact DOC.) Starting dates and methods for making reservations will be publicly announced. Only applications for reservations submitted by Illinois residents will be processed during the first two weeks of the application period. Reservations will be confirmed ~~Applicants making reservations will be sent confirmation.~~
Permits will be issued until the daily quota is filled. The daily quota is determined by the formula one hunter per 10 to 80 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available, the condition, topography, and configuration of the land at the site, the condition of the roads at the site, and the number of employees available to work at the site.

c) For all DOC operated sites except Site M and Sand Ridge the permit authorizes the permit holder to bring one hunting partner. (The hunting partner cannot hunt without the permit holder being present to hunt.) At Site M and Sand Ridge the permit is valid for the permit holder only. The Springfield Permit Office cannot transfer or alter reservations to change hunting areas, dates or hunters' names. Permits cannot be transferred on the hunting areas. For other information write to:

Illinois Department of Conservation
Pheasant
524 South Second St., Room 210
P.O. Box 19457
Springfield, Illinois 62794-9457

d) Reservations for pheasant hunting will be issued from the Springfield Permit Office for Chain O'Lakes State Park, Des Plaines Conservation Area, Eldon Hazlet State Park (Carlyle Lake), Iroquois County Conservation Area and Moraine View State Park and ~~Richland County Controlled Pheasant Hunting Area.~~

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- e) At Site M and Sand Ridge reservations for the controlled hunting area will be issued from the site headquarters.

(Source: Amended at 19 Ill. Reg. **12615**, effective **AUG 29 1995**)

Section 530.80 Controlled Pheasant Hunting Regulations

- a) The controlled hunting season is November 82 through December 17th, both dates inclusive, with the following exceptions:
 - 1) All areas shall be closed to pheasant permit hunting on every Monday and Tuesday during the controlled hunting season and **November 18 and December 17, 1994.**
 - 2) All areas are open to the Illinois Youth Pheasant Hunting Program only on November 126 (except **at Wayne-Fitzgerald State Park where the Youth Pheasant Hunting Program will be November 13 and at Site M Controlled Unit, Sand Ridge, Silver Springs and Ramsey Lake where a Youth Pheasant Hunting Program will not be held.**)
 - 3) The controlled hunting season on the Des Plaines Conservation Area **end--the--Iroquois--County--Conservation--Area** is November 82 through November 16th, November 223 through **November--27--and December 2--through December 23th, 1995 1994.**
 - 4) The controlled hunting season on the Wayne Fitzgerald State Park (Rend Lake), Lee County Conservation Area (Green River), Silver Springs State Park, Horseshoe Lake State Park (Madison County), **Site-M and Ramsey Lake State Park** will be publicly announced.
 - 5) The controlled hunting season on Site M Controlled Unit is November 4 through November 16, November 22 through November 26 and December 6, 1995 through January 14, 1996.
 - 6) The controlled hunting season on the Iroquois County Conservation Area is November 1 through November 12, November 15 and 16, and November 22 through December 17, 1995.
- b) Hunting hours are from 9:00 a.m. to 4:00 p.m. (except on Thanksgiving Day hunting hours are 9:00 a.m. to 1:00 p.m. at Sand Ridge). Hunters with reservations are required to check in at the check station between 7:00 a.m. and 8:00 a.m. (except at Site M Controlled Unit, Silver Springs, Horseshoe Lake State Park (Madison County), Ramsey Lake and Sand Ridge where hunters are required to check in between 9:00 a.m. and 8:30 a.m.). Reservations are void after 8:00 a.m. (except at Site M, Sand Ridge and Wayne Fitzgerald where reservations are void after 12:00 noon).
- c) When daily quotas are not filled, permits shall be issued on a first-come, first-served basis until 12:00 Noon.
- d) Hunting licenses, daily usage stamps and fees: **Hunters are required to deposit their hunting license in the check station--while--hunting. Persons exempt by law from having a hunting license must deposit their firearm--owner's--identification--card--if they are under 21 years old and do not have a card they must be accompanied by--a--parent--and**

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guardian--or--a--person--in--two--parents--who--has--a--valid--card--in possession--a--\$15.00--Daily--Usage--Stamp--must--be--purchased--at--each--area except--at--Wayne--Fitzgerald--Rend--Lake--Silver--Springs--State--Park--Ramsey--Lake--State--Park--Moraine--View--State--Park--and--Bee--County Conservation--Area--a--Daily--Usage--Stamp--is--not--required--fees--and method(s)--of--payment--at--these--sites--will--be--publicly--announced--

- 1) Hunters are required to deposit their hunting license in the check station while hunting. Persons exempt by law from having a hunting license must deposit their Firearm Owner's Identification Card. If they are under 21 years old and do not have a card they must be accompanied by a parent, legal guardian or a person in loco parentis who has a valid card in possession.
- 2) At Chain O'Lakes State Park, Des Plaines Conservation Area, Eldon Hazlett State Park (Carlyle Lake), Iroquois County Conservation Area and Moraine View State Park and Wayne Fitzgerald State Park hunters must obtain a daily usage stamp from the Department prior to hunting except on November 26 hunters under 16 are not required to obtain a stamp.
- 3) At Site M and Sand Ridge hunters must obtain a daily usage stamp from the Department prior to hunting except on November 26 and December 30 hunters under 16 are not required to obtain a stamp.
- 4) At Silver Springs State Park, Ramsey Lake State Park, Horseshoe Lake State Park (Madison County) and Lee County Conservation Area, a Daily Usage Stamp is not required. Fees and method(s) of payment at these sites will be publicly announced.
- e) **Hunters--are--required--to--wear--a--cap--and--upper--outer--segment--of--solid and--vivid--blue--orange--of--at--least--400--square--inches--.** Hunters must also wear a back patch issued by the check station.
- f) Anyone who has killed game previously and has it in his possession or in his vehicle must declare it with the person in charge of the area when he checks in. All such game found in a hunter's possession after he has started hunting on the area shall be considered illegally taken if the hunter has not declared it prior to going into the field.
- g) All hunting must be done with shotguns or bow and arrow. Only shot shells with a shot size of No. 5 lead or bismuth or No. 3 steel or smaller may be used except at the Wayne Fitzgerald State Park where only nontoxic shot approved by the U.S. Fish and Wildlife Service may be possessed and only shot shells with a shot size of No. 3 steel or No. 5 bismuth or smaller may be used. Flu flu arrows only may be used by bow and arrow hunters.
- h) Non-hunters are not allowed in the field.
- i) Hunters under 16 years of age must be accompanied by an adult hunter.
- j) Daily limits:
 - 1) Two pheasants of either sex at Eldon Hazlett State Park, Chain O'Lakes State Park, Iroquois County Conservation Area, **Ritchland County--Controlled--Pheasant--Hunting--Area--Wayne Fitzgerald State Park, Des Plaines Conservation Area, Silver Springs State Park Bee--County--Conservation--Area--(Green--River) and Moraine View**

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Area where the hunt will be the first Saturday of the statewide upland game season.

- b) Hunting hours are from 9:00 a.m. to 4:00 p.m. Hunters with reservations or permits are required to check in at the check station between 7:00 a.m. and 8:00 a.m. (between 8:00 a.m. and 8:30 a.m. at Sangchris Lake and Railsplitter State Park).
- c) All hunters must be between the ages of 10 and 15 inclusive and have a youth hunting permit. Stand-by permits will not be available except at Sangchris Lake and Railsplitter State Park.
- d) All hunters are required to deposit their hunting licenses in the check station while hunting. Each permit holder MUST be accompanied by a non-hunting supervisory adult. If the hunter does not have a valid Firearm Owner's Identification Card (FOID), the supervisory adult is required to have a valid FOID Card. Only one supervisory adult in a hunting party is required to have a valid FOID Card if the hunters in the hunting party stay under the immediate control (accompany youth hunter at all times) of the supervisory adult possessing the valid FOID Card.
- e) ~~Supervising~~ Hunters-and-supervising adults are required to wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches. Hunters must ~~also~~ wear a back patch issued by the check station.
- f) Anyone who has killed game previously and has it in his possession or in his vehicle must declare it with the person in charge of the area prior to hunting on the area. All previously killed game found in a hunter's possession after he has started hunting on the area will be considered illegally taken if the hunter has not declared it prior to going into the field.
- g) All hunting must be done with shotguns. Only shot shells with a shot size of No. 5 lead or bismuth or No. 3 steel or smaller may be used, except at the Wayne Fitzgerald State Recreation Area where only shot shells approved as non-toxic by the U.S. Fish and Wildlife Service with a shot size of No. 3 steel or No. 5 bismuth shot or smaller may be used.
- h) Daily limit.
 - 1) Two pheasants of either sex at Eldon Hazlet State Park, Chain O'Lakes State Park, Iroquois County Conservation Area, Bee-County ~~Conservation-Area~~ Des Plaines Conservation Area, Richland County Controlled Pheasant Hunting Area, Wayne Fitzgerald State Park, Moraine View State Park and Horseshoe Lake State Park (Madison County).
 - 2) Two cock pheasants only at the Lee County Conservation Area.
 - 3) ~~Statewide Limits~~ 7 Mackinaw River State Fish & Wildlife Area, Sangchris Lake State Park and Railsplitter State Park.
- i) All pheasants must be affixed with a Department tag before they are removed from the area (except Sangchris Lake, and Railsplitter State Park and Mackinaw River State Fish & Wildlife Area). The tag must remain on the leg of the pheasants until the pheasants are finally

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prepared for consumption.

(Source: Amended at 19 Ill. Reg. 12615, effective AUG 29 1995)

Section 530.105 Regulations for Fee Hunting of Pheasant, Hungarian Partridge, Quail and Rabbit at Controlled Daily Drawing Pheasant Hunting Sites

- a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) ~~All hunters must wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches.~~
- c) ~~All areas are closed to fee upland game hunting Mondays and Tuesdays, Christmas Day and New Year's Day and November 19 and December 1.~~
- c) ~~d) Hunting hours are 9:00 a.m. to 4:00 p.m. (except on Thanksgiving Day hunting hours are 9:00 a.m. to 1:00 p.m. at Kankakee River State Park and Sand-Ridge State Forest).~~
- d) ~~e) All hunting must be done with shotgun or bow and arrow. Only shot shells with a shot size of No. 5 lead or No. 3 steel or smaller may be used. Flu flu arrows only may be used by bow and arrow hunters.~~
- e) ~~f) All pheasants must be affixed with a Department tag before they are removed from the area. The tag must remain on the leg of the pheasants until the pheasants are finally prepared for consumption.~~
- g) ~~A drawing shall be held at the site for hunter quotas. A stamp--is--required--opening-date-through-the-day-following-the-final-game-bird-release.~~
- f) ~~Hunter quota selection, daily usage stamp requirements and exemptions and hunter age requirements:~~
 - 1) A drawing shall be held at the site for hunter quotas.
 - 2) A daily usage stamp is required prior to hunting opening date through the day following the final game bird release.
 - 3) Hunters under 16 are not required to obtain a daily usage stamp at the Richland County Controlled Pheasant Hunting Area on November 26; at Johnson Sauk Trail State Park, Kankakee River State Park, Sand Ridge State Forest and the Washington County Conservation Area on November 26 and December 30; and at Horseshoe Lake State Park (Madison County) on December 30.
 - 4) Hunters under 16 years of age must be accompanied by an adult hunter.
 - g) ~~h) When daily quotas are not filled, hunters are allowed to check in on a first-come first-served basis until 12:00 noon. t:00-p:m~~
 - h) ~~t) The Department shall publicly announce by--public--news--release the registration time and quota to be filled.~~
 - i) ~~j) Hunters are required to deposit their hunting license in the check station while hunting. Persons exempt by law from having a hunting license must deposit their Firearm Owner's Identification Card. If they are under 21 years old and do not have a card they must be~~

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accompanied by a parent, legal guardian or a person in loco parentis who has a valid card in possession.

1) A back patch issued at the check station must be worn while hunting.

2) Non-hunters are not allowed in the field.

3) Hunters must not leave the site without first checking out.

4) Daily Limit:

Pheasant - 2 (either sex may be harvested)

Bowwhite Quail - 8

Hungarian Partridge - 2

Rabbit - 4

5) Statewide regulations as provided for in this Part apply at the following Controlled Daily Drawing Pheasant Hunting sites, except as noted above and in parentheses below:

~~Horseshoe Lake State Park (Madison County) (hunting season opens the first hunting day after the close of the duck hunting season; daily limit - 2 pheasants of either sex except that on the last day of fee hunting, each hunter will be allowed to harvest 4 quail and 2 rabbits in addition to 2 pheasants)~~

Johnson-Sauk Trail State Park

Joliet Army Ammunition Plant - Will County (a \$5.00 daily usage fee will be charged; no hen pheasants may be harvested; site is closed during site's firearm deer season; pheasants will not be tagged)

Kankakee River State Park (Hunters must check out within 15 minutes of the close of hunting hours; quail shall not be harvested)

Richland County Controlled Pheasant Hunting Area (hunting season is November 8 through December 17; daily limit 2 pheasants of either sex only)

~~Sand Ridge State Forest~~

Washington County Conservation Area

6) Any person who violates any provision of this Part or 17 Ill. Adm. Code 510.10(c)(1), (4) and (6) or 510.10(f) or Section 2.33(n), (x) or (z) the Wildlife Code (520 ILCS 5/2.33(n), (x) or (z)) shall be subject to arrest and/or removal from the premises for the remainder of the controlled pheasant hunting season under applicable statutes including 720 ILCS 5/21-5, Criminal Trespass to State Supported Land. ~~It shall be unlawful to hunt on a site listed in subsection (e) above for the remainder of the controlled hunting season after being issued a citation for violation of Section 2.33(f)(1)-(3) or (4) or (5) or (6) or (7) or (8) or (9) or (10) or (11) or (12) or (13) or (14) or (15) or (16) or (17) or (18) or (19) or (20) or (21) or (22) or (23) or (24) or (25) or (26) or (27) or (28) or (29) or (30) or (31) or (32) or (33) or (34) or (35) or (36) or (37) or (38) or (39) or (40) or (41) or (42) or (43) or (44) or (45) or (46) or (47) or (48) or (49) or (50) or (51) or (52) or (53) or (54) or (55) or (56) or (57) or (58) or (59) or (60) or (61) or (62) 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- d) ~~the Department will announce by public news release the registration time and quota to be fitted at sites where the hunter quota will be fitted by drawing at the sites.~~
- e) ~~No report of hunting trips or harvest is required. Statewide regulations as provided for in this rule apply at the following sites (exceptions are in parentheses):~~

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters (Corps of Engineers Managed Lands)

Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season)

Crawford County Conservation Area (1)

Dog Island Wildlife Management Area

Eldon Hazlet State Park (north of Allen Branch and west of Peppenhorst Branch only) (1)

Ferne Clyffe State Park (1)

Fort de Chartres Historic Site (hunting with muzzleloading shotgun or bow and arrow only) (1)

Ft. Massac State Park (1)

Giant City State Park (1)

Green River State Wildlife Area (closed during controlled pheasant season, except Mondays and Tuesdays) (1)

Hamilton County Conservation Area (8:00 a.m. - 4:00 p.m.) (1)

Horseshoe Lake Conservation Area (Alexander County) (Public Hunting Area, except Controlled Hunting Area) (1)

Horseshoe Lake State Park--Public--Hunting--Area--Alexander County--(Waterfowl Permit--Area--closed)

I-24 Wildlife Management Area (1)

Jubilee College State Park (opens second day of statewide

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season; pheasant and quail close the Sunday after Thanksgiving) (1)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to and during duck season) (1)

Kidd Lake State Natural Area

Kincaid Lake Fish and Wildlife Area (1)

Mackinaw Fish and Wildlife Area (opens second day of statewide season; closed during firearm deer season; pheasant and quail close the Sunday after Thanksgiving) (1)

Marseilles Wildlife (closed during the site's firearm deer season) (1)

Marshall Fish and Wildlife Area (closed during firearm deer season) (1)

Mazonia State Fish and Wildlife Area (upland season does not open until the day after the close of the site's waterfowl season; the site is closed Mondays, Tuesdays, Christmas Day and New Year's Day) (1)

Mermet Lake Fish and Wildlife Area (1)

Mississippi River Pools 16, 17, 18-21-22-23-24-25-and-26

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pools 21, 22, 24

Oakford Conservation Area

Panther Creek Conservation Area (1)

Peabody River King State Fish and Wildlife Area (West Subunit only) (1)

Pike County Conservation Area (all hunting closes November 30 in Area A; all hunting closes December 15 in Area C) (1)

Pyramid State Park (1)

Ramsey Lake State Park (8:00 a.m. to 4:00 p.m.; rabbits and

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quail only may be hunted on Mondays and Tuesdays during the fee pheasant season) (1)

Randolph County Conservation Area (1)

Red Hills State Park (8:00 a.m. - 4:00 p.m.) (1)

Rend Lake Projects Lands and Waters

Saline County Conservation Area (1)

Sam Dale Lake Conservation Area (8:00 a.m. to 4:00 p.m.) (1)

Sam Parr State Park (8:00 a.m. to 4:00 p.m.) (1)

Sangamon County Conservation Area

Sanganois State Fish and Wildlife Area

Shawnee National Forest, Oakwood Bottoms (Greentree Reservoir west of the Big Muddy River) non-toxic shot only (2)

Snake Den Hollow Fish and Wildlife Area (opens the day after the close of the Fulton-Knox County zone goose season) (1)

Stephen A. Forbes State Park (8:00 a.m. to 4:00 p.m.) (1)

Spot-Mine (Fulton and Schuyler Counties)

Tapley Woods State Natural Area (closed during firearm and muzzleloading rifle deer seasons) (1)

Trail of Tears State Forest (1)

Turkey Bluffs State Fish and Wildlife Area (1)

Union County Conservation Area (Firing Line Management Area only) (1)

Weinberg-King State Park (1)

Wildcat Hollow State Forest

Witkowsky State Wildlife Area (rabbit only; closed during firearm deer season) (1)

Free permit required hunters report steps and harvest by free permit permits may be obtained at state offices or by random drawing

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where quotes are in effect. Patrons to return permit and report harvest by February 15 will result in loss of hunting privileges at that site for the following year. Statewide regulations as provided for in this rule apply at the following sites (all exceptions are in parentheses):

2) Statewide regulations apply at the following sites except that hunters must obtain a free site permit from site office; this permit must be in possession while hunting at the site. The permit must be returned, and harvest reported, by February 15 or the hunter will forfeit hunting privileges at the site for the following year:

Chauncey Marsh (obtain permit at Red Hills State Park headquarters; no hunting in dedicated Nature Preserve)

Clinton Lake State Recreation Area (4:00 p.m. daily closing 8:00 a.m. to 4 p.m.)

Eagle Creek State Park

Fox Ridge State Park (4:00 p.m. daily closing)

Herschel Workman Habitat Area (open only November 5-6-7-11-17-23-29 and December 9-11-15-17-18-21 and 24- only one permit per person per year will be issued; permits must be in possession while hunting; each permit authorizes the holder to bring three hunting partners)

Hidden Springs State Forest (no hunting during firearm deer season; 4:00 p.m. daily closing)

Keecker Sand Prairie Habitat Area (open only November 5-7-11-17-19-23-26 and December 3-6-7-9-11-15-18-21 and 24- only one permit per person per year will be issued; permits must be in possession while hunting; each permit authorizes the holder to bring five hunting partners)

Kickapoo State Park (4:00 p.m. daily closing; closed during firearm deer season)

Lake Shelbyville (Eagle Creek and Kaskaskia West Okaw Wildlife Management Areas)

Lake Shelbyville Eagle Creek State Park (4:00 p.m. daily closing)

Lake Shelbyville - Eagle Creek Wildlife Management Area (4:00 p.m. daily closing)

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management

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Area (4:00 p.m. daily closing)

McLean County-Habitat Area (open only November 5-7-67-11-15-19-23-26-and-29-and-December-3-7-9-11-15-18-21-and-24-only one permit per person per year will be issued; permits must be in possession while hunting; each permit authorizes the holder to bring three hunting partners)

Middle Fork Fish and Wildlife Area (4:00 p.m. daily closing; closed during firearm deer season)

Moraine View State Park (rabbits only; Mondays and Tuesdays during permit pheasant season and Wednesday after permit pheasant season to end of northern zone rabbit season; 8:00 a.m. to 4:00 p.m. daily)

Site M (open unit Quail Area-Open only November 5-7-11-14-21-24-27-and-30-and-December-6-7-9-11-15-18-21-24-and-28; only one permit per person per year will be issued; permits must be in possession while hunting; each permit authorizes the holder to bring three hunting partners)

Ten Mile Creek State Fish and Wildlife Area (areas designated as refuge are closed to all access during Canada Goose season; permits must be returned to District Wildlife Manager, P.O. Box 3137 Olney, IL 62450)

9) Hunters must report trips and harvest at check station. Statewide regulations as provided for in this rule apply at the following sites (all exceptions are in parentheses):

3) Hunting is permitted on the following areas only on the dates listed in parentheses; daily hunting permits filled by drawing through DOC Permit Office. Procedures for application and drawings will be publicly announced. Only one permit per person will be issued for each site. Each permit authorizes the holder to bring the number of additional hunting partners listed in parentheses for the day's hunt. The permit must be returned and harvest reported by February 15 or hunters will forfeit hunting privileges at the site for the following year:

Anderson Lake-Conservation Area

Argyle Lake State Park (closed during firearm deer season)

Banner Marsh State Fish and Wildlife Area (opens the day after the close of the central zone duck season)

Big Bend State Fish and Wildlife Area

Big River State Forest (closed during firearm deer season)

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Cache River State-Natural Area

Eastvie Lake Wildlife Management Area (subimpoundment area closed 3 days prior to and during the southern zone waterfowl season)

Chain O' Lakes State Park (open Wednesday after fee pheasant season for 5 consecutive days; closed December 25-8 a.m. to 4 p.m.; only shot size No. 5 lead or No. 3 steel or smaller may be used; pheasants of either sex may be taken; hens must be tagged with a B00 tag before leaving the area)

Crawford County-Conservation Area

Des Plaines Conservation Area (open November 16-17-and-30-and-December-1-and-3-and-Wednesday after fee pheasant season for 5 days; closed on Monday-Tuesday-December 25-and-January 1-9 a.m. to 4 p.m.; only shot size No. 5 lead and No. 3 steel or smaller may be used; pheasants of either sex may be taken; hens must be tagged with a B00 tag before leaving area)

Edison-Hazlet State Park (Controlled Pheasant Hunting Area-Only) (open for 5 consecutive days following the last pheasant release)

Edison-Hazlet State Park (north of Allen Branch and west of Peppenhurst Branch north of Allen Branch only has a check station)

Perne City State Park

Post-de-Chartres Historic Site (hunting with muzzleloading shotgun or bow and arrow only)

Port Massac State Park

Stant City State Park

Hamilton County-Conservation Area (opens 8 a.m.)

Herschel Workman Habitat Area (open only November 4, 5, 8, 11, 16, 19, 22, 25 and 30 and December 3, 6, 9, 12, 15, 18, 21 and 24; only one permit per person per year will be issued; permits must be in possession while hunting; each permit authorizes the holder to bring 3 hunting partners)

I-24 Wildlife Management Area

Iroquois County Conservation Area (open November 16-17-and-30-and-December-1-and-starting two days after the fee pheasant

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season-closes-for-3-consecutive-days-8-a.m.-to-4-p.m.-pheasants
of-either-sex-may-be-taken-hens-must-be-tagged-with-a-B&B-tag
before-leaving-area

Johnson-Sauk-Grati-State-Park-topen-from-Wednesday-after-the-fee
pheasant-season-closed-Mondays-Tuesdays-and-December-25-9-a.m.
to-3-p.m.-drawing-to-fill-hunter-quota-only-shot-size-No-5
lead-or-No-3-steel-or-smaller-may-be-used

Jubilee-College-State-Park-4-p.m.-closing

Kaecker Sand Prairie Habitat Area (open only on November 4, 5, 8,
11, 16, 19, 22, 25, 30 and December 3, 6, 9, 12, 15, 18, 21, 24;
each permit authorizes the holder to bring 5 hunting partners)

Kankakee-River-State-Park-topen-November-18-and-December-1-and
from-Wednesday-after-the-fee-pheasant-season-for-5-days-closed
Mondays-Tuesdays-December-25-and-January-1-9-a.m.-to-3-p.m.-
drawing-to-fill-hunter-quota-only-shot-size-No-5-lead-or-No-3
steel-or-smaller-may-be-used-quail-may-not-be-harvested

Kaskaskia-River-Pish-and-Wildlife-Area-Boza-Creek-Waterfowl
Management-Area-closed-3-days-prior-to-and-during-duck-season

Kickapoo-State-Park-8-a.m.-to-4-p.m.-closed-during-firearm-deer
season

Kidd-Bake-State-Natural-Area

Kinkaid-Bake-Pish-and-Wildlife-Area

Bee-County-Conservation-Area-topen-for-quail-and-rabbit-hunting
on-Monday-and-Tuesday-during-the-fee-pheasant-season-open-for
cock-pheasant-hunting-for-two-days-following-the-close-of-fee
pheasant-season

Mackinaw-River-State-Pish-and-Wildlife-Area-topens-the-day-after
YOUTH-Hunt-for-9-consecutive-days-rabbits-only-from-the-third
Saturday-in-December-for-3-consecutive-days-9-a.m.-to-4-p.m.

Marshall-County-Conservation-Area-closed-during-firearm-deer
season

Marshall-County-Conservation-Area-closed-during-firearm-deer
season

Marquette-State-Pish-and-Wildlife-Area-topens-the-day-after-the
close-of-the-central-zone-duck-season-open-Wednesday-through

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Sunday-9-a.m.-to-3-p.m.-only-shot-size-No-5-lead-or-No-3
steel-or-smaller-may-be-used

Mernmet-Bake-Conservation-Area

Middle-Park-State-Pish-and-Wildlife-Area-8-00-a.m.-to-4-00-p.m.-
closed-during-firearm-deer-season

Moraine-View-State-Park-topen-for-rabbit-hunting-on-Monday-and
Tuesday-during-the-fee-pheasant-season-rabbits-quail-and
pheasants-of-either-sex-may-be-hunted-from-the-close-of-fee
pheasant-season-for-3-consecutive-days-8-a.m.-to-4-p.m.-hens
must-be-tagged-with-a-B&B-tag-before-leaving-area

Panther-Creek-Conservation-Area

Pike-County-Conservation-Area-A-closed-after-November-30-
Area-B-closed-after-December-15

Pyramid-State-Park

Perdueville Habitat Area (open only on November 4, 5, 8, 11, 15,
19, 22, 25, 30 and December 3, 6, 9, 12, 15, 18, 21, 24); each
permit authorizes the holder to bring 3 hunting partners

Railsplitter State Park (November 13, 20, 27; December 4, 11, 18;
January 8; each permit authorizes the holder to bring 3 hunting
partners open-only-November-27-December-18-and-11-drawing-to-
fill-hunter-quota)

Ramsey-Bake-State-Park-rabbits-may-be-hunted-on-Mondays-and
Tuesdays-during-the-fee-pheasant-season

Randolph-County-Conservation-Area

Red-Hills-State-Park-topens-8-a.m.

Satine-County-Conservation-Area-8-a.m.-to-4-p.m.

Sam-Bake-Conservation-Area-8-a.m.-to-4-p.m.

Sam-Patt-State-Park-8-a.m.-to-4-p.m.

Sangamon-Conservation-Area

Sangchris Lake State Park (November 15, 18, 22, 25, 29; December
2, 6, 9, 13, 16, 20, 23, 27; each permit authorizes holder to
bring 3 hunting partners; hunting hours 12 noon-sunset open-for

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quail--pheasant-and-rabbit-December-11-and-17-8-30-a-m--to-4-00 p.m.--rabbit-only-December-18-19-30-21-22-23--24--26--27-28--29--30-and-31-12-noon-to-4-00-p.m.--drawing-to-fill-hunter-quota)

Savbrook Habitat Area (McLean County) (open only November 4, 5, 8, 11, 16, 19, 22, 25, 30 and December 3, 6, 9, 12, 15, 18, 21, 24; only one permit per person per year will be issued; permits must be in possession while hunting; each permit authorizes the holder to bring 3 hunting partners)

Site M (Quail Management Area: November 7, 11, 14, 16, 21, 25, 28; December 5, 9, 12, 16, 19, 23, 26, 30; January 2, 6, 9, 13; each permit authorizes holder to bring 3 hunting partners non-fee area)

Sneke-Ben-Hollow-Fish-and-Wildlife-Area--(opens-the-day-after--the close-of-the-Pulton-Knox-County-zone-geese-season)

Stephen-A--Forbes-State-Park--(8-a-m--to-4-p-m--)

Steward Habitat Area (open only on November 4, 5, 11, 16, 22, 25, 30 and December 3, 6, 9, 15, 18, 21, 24; each permit authorizes the holder to bring 3 hunting partners)

Uppley-Woods--State--Natural--Area--(closed--during--firearm--and muzzleloading-rifle-deer-season)

Trail-of-Weavers-State-Forest

Turkey-Bluffs-Fish-and-Wildlife-Area

Washington--County--Conservation--Area--(open--November--19--and December-1-and-18--Wednesday--after--the--fee--pheasant--season through--statewide-closing--closed-Mondays--Tuesdays--December-25 and-January-1--drawing-to-fill-hunter-quota--only-shot-size-No-5 lead-or-No-3-steel-or-smaller-may-be-used)

Weinberg-King-State-Park

Witkovsky-State-Wildlife-Area--(rabbit-only--closed-during-firearm deer-season)

- 1) The following sites will be open for pheasant, quail, rabbit and partridge hunting following the site's controlled pheasant hunting season; pheasants of either sex may be taken; all hen pheasants must be tagged by DOC before leaving sites; hunting hours are 8:00 a.m. - 4:00 p.m.; hunting dates are noted in parentheses:

Chain O'Lakes State Park (Open Wednesday after controlled

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pheasant hunting season for 5 consecutive days, closed December 25) (1)

Des Plaines Conservation Area (dates are 5 days following the close of the site's permit pheasant season excluding Mondays, Tuesdays and Christmas; hunters must check in and check out)

Eldon Hazlet State Park (controlled pheasant hunting area and for 5 consecutive days only) (1)

Iroquois County Wildlife Management Area (Open Wednesday through Sunday following permit pheasant season) (1)

Johnson-Sauk Trail State Park (open Wednesday through Sunday following permit pheasant season)

Kankakee River State Park (no quail hunting)

Washington County Conservation Area (1)

(Source: Amended at 19 Ill. Reg. **12615**, effective **AUG 29 1995**)

Section 530.115 Regulations for Hunting by Falconry Methods at Various Department-Owned or -Managed Sites

a) All the regulations in 17 Ill. Adm. Code 510 apply in this Section, except that falconers are required to wear a cap and outer garment of solid and vivid blaze orange only during the upland game season on sites where upland game hunting is in progress.

b) Statewide falconry regulations (17 Ill. Adm. Code 1590) apply at the following sites (exceptions are in parentheses):
Big Bend State Fish and Wildlife Area

Horseshoe Lake State Park (Madison County) (hunting season opens the first hunting day after the close of the duck hunting season; hunting by falconry methods allowed from day after controlled pheasant season through the close of statewide quail falconry season)

Mississippi River Pools 16, 17 and 18

Railplitter State Park (hunting by falconry methods permitted from October 1 through March 31 or until 10 hen pheasants are harvested; falconers must sign in at the site check station before hunting and sign out immediately after hunting and report their harvest)

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Sand Ridge State Forest (statewide regulations except that hunting is permitted on Mondays and Tuesdays only during the Controlled Daily Drawing Pheasant Program season; it is unlawful to hunt by falconry methods in the vicinity of pheasant releases as pheasants are being released; falconry hunters must obtain a free permit from site office before hunting and report harvest by April 15; failure to report harvest by April 15 will result in loss of hunting privileges the following year)

Silver Springs State Park (hunting for pheasant, rabbit and quail permitted October 1 through two days before the opening of the site's pheasant season; falconers must obtain a free permit from site office before hunting and report harvest by December 1; failure to report harvest will result in loss of hunting privileges the following year)

Snake Den Hollow Fish and Wildlife Area (hunting permitted from the day after the close of the Fulton-Knox County Zone goose season until the close of the statewide falconry season)

Sanspot-Mine-(Fulton-and-Schuyler-Counties)

c) Cock and hen pheasant, hungarian partridge, bobwhite quail, and rabbit may be taken at the following sites in accordance with 17 Ill. Adm. Code 1590; falconers must obtain a free permit from site office before hunting and return permit and report harvest by February 15; failure to return or report harvest will result in loss of hunting privileges the following year (additional site regulations are in parentheses):

Chain O'Lakes State Park (hunting permitted 8:00 a.m. to 4:00 p.m. from the Monday after the non-fee season through January 31 except closed Christmas Day; obtain permit from site office Monday through Friday 8:00 a.m. to 4:00 p.m.)

Eagle Creek State Park (hunting permitted from the end of the statewide firearms season for rabbits through January 31)

Eagle Creek Wildlife Management Area (hunting permitted from the end of the statewide firearms season for rabbits through January 31)

Moraine View State Park (hunting permitted October 1 through two days before the pheasant season opens)

Ten Mile Creek Fish and Wildlife Area (hunting permitted from the end of the firearms rabbit season through January 31)

(Source: Amended 13 Ill. Reg. **12615**, effective

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1) Heading of the Part: Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Beaver and Woodchuck (Groundhog) Trapping

2) Code Citation: 17 Ill. Adm. Code 570

3) Section Numbers: Adopted Action:

570.40 Amendments

4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code (520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5).

5) Effective Date of Rulemaking: August 29, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date filed in Agency's Principal Office: August 29, 1995

9) Notice of Proposal Published in Illinois Register: May 12, 1995, 19 Ill. Reg. 6381

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version:

In Section 570.40(c), the following changes were made:

Kaskaskia - "seven" was changed to "7"

Lake Shelbyville Eagle Creek, parentheses were deleted

Lake Shelbyville West Okaw, parentheses were deleted

Horseshoe Lake State Park Madison County - a dash was added following "Park"

Sangchris Lake State Park - "(trapping permitted during duck season)" was deleted

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

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14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: This Part was amended to add language indicating no trapping is permitted in subimpoundments or designated waterfowl management units during duck season; persons participating in drawings to trap on State sites must have either a current or previous year's trapping license; and trapping regulations at several State sites are simplified.

16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield, IL 62701-1787
217/782-1809

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 570

MUSKRAT, MINK, RACCOON, OPOSSUM, STRIPED SKUNK, WEASEL,
RED FOX, GRAY FOX, COYOTE, BEAVER AND WOODCHUCK (GROUNDHOG)
TRAPPING

Section
570.10 Statewide Zones
570.20 Statewide Season Dates
570.30 Statewide Hours, Daily Limit and Possession Limit
570.40 Trapping Regulations on Department-Owned, -Leased or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5].

SOURCE: Adopted at 5 Ill. Reg. 9767, effective September 17, 1981; codified at 5 Ill. Reg. 10637; amended at 6 Ill. Reg. 10709, effective August 20, 1982; amended at 7 Ill. Reg. 10778, effective August 24, 1983; amended at 8 Ill. Reg. 21589, effective October 23, 1984; amended at 9 Ill. Reg. 15864, effective October 7, 1985; amended at 10 Ill. Reg. 16644, effective September 24, 1986; amended at 12 Ill. Reg. 12034, effective July 7, 1988; emergency amendments at 12 Ill. Reg. 16261, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; amended at 13 Ill. Reg. 10589, effective June 15, 1989; amended at 14 Ill. Reg. 14775, effective September 4, 1990; Reg. 11586, effective August 2, 1991; amended at 16 Ill. Reg. 11069, effective June 30, 1992; amended at 17 Ill. Reg. 10785, effective July 1, 1993; amended at 17 Ill. Reg. 18796, effective October 19, 1993; amended at 18 Ill. Reg. 10077, effective June 21, 1994; amended at 19 Ill. Reg. 12640, effective AUG 29 1995.

Section 570.40 Trapping Regulations on Department-Owned, -Leased or -Managed Sites

a) General Regulations

- 1) All the regulations in 17 Ill. Adm. Code 510--General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- 2) On areas where special Department tags are required for ~~issued-to~~ trappers, traps without tags attached will be subject to confiscation.
- 3) Trappers must stay within assigned **designated** areas.
- 4) For sites where permits are required a drawing shall be held prior to the opening of the season. The date of the drawing shall be announced by the Department by public announcement **news**

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Carlisle Lake Lands and Waters - Corps of Engineers Managed Lands

Carlisle Lake Wildlife Management Area (permit must be carried--at all times--when--trapper--is on the area; no trapping within 300 feet--of--developed--recreation--areas; no--trapping--in--the subpondment--area--until--after--the close of the duck hunting season--the subpondment area is defined as that area--bordered by--the Kaskaskia River--on the east--and south--and extending north and west to--the Carlyle--Lake--project--boundary--and--includes impoundments number 17-27-3 and 47--all traps used must be tagged with--special--Carlyle--Lake--trap tags--which shall be issued at the site headquarters)

Clinton Lake Recreation Area

Coffeen Lake State Park (no trapping during duck season)

Dog Island Wildlife Management Area

Eldon Hazlet State Park - north of Allen Branch and west of Peppenhorst Branch only

Fort de Chartres Historic Historical Site

Horseshoe Lake Conservation Area

I & M Canal State Park

Kaskaskia River Fish and Wildlife Area (Boza Creek Waterfowl Management Area closed 7 three days prior to and during duck season)

Kidd Lake State Natural Area

Lake Shelbyville Eagle Creek Wildlife Management Area (current or previous years--if no--trapping--license--required--to enter drawing; no more than 50 traps may be used per permit--all traps must be tagged with the letters EGWA and the year body tagging traps with a jaw spread of 5 inches or less--and--foot hold--traps with a jaw spread of 4 1/2 inches or less may be used for land sets--beaver trapping season closes at the end of--the--muskkrat season)

Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area (current or previous years--if no--trapping--license--required--to enter drawing; no more than 50 traps may be used per permit--no trapping--in--fish--hook--Graham--Creek--Bunn--or--McGee--Waterfowl Areas during duck season; all traps--must--be--tagged--with--the

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release and the drawing shall be held at the site. Persons participating in the drawing must have either a current or previous year trapping license. The number of permits per site shall be determined pursuant to 17 Ill. Adm. Code 510.20. Permit applicants must submit name and address to the site prior to drawing. Permits must be in possession while trapping on the area.

5) All sites except Blanding Wildlife Area, Kinkaid Lake Fish and Wildlife Area, Mississippi River Pools 16, 17, 18, 21, 22, 24, and Rend Lake Wildlife Management Area--Sangamon--Fish--and Wildlife--Area--Savanna--Grange--Bepot--and--Sunspot--Mine require trappers to submit a harvest report to the site superintendent within 20 days following the close of the trapping season. Failure to report shall result in the trapper being ineligible to trap at that site for the following year.

6) Body-gripping traps with a 10-inch jaw spread or larger must be totally submerged in water when set.

7) Any person who violates the site specific regulations shall be guilty of a Class B Misdemeanor.

8) No trapping is permitted in subpondments or designated waterfowl management units during duck season.

b) Statewide regulations as provided for in this Part apply at the following sites (exceptions in parentheses):

Blanding Wildlife Area (trapping area includes the islands and associated backwater sloughs immediately upstream from Lock and Dam 12; no trapping on mainland)

Kinkaid Lake Fish and Wildlife Area

Mississippi River Pools 16, 17, 18, 21, 22, 24

Pyramid State Park (water sets only)

Rend Lake Project Lands and Waters (water sets only)

Sangamon Fish and Wildlife Area (no trapping in designated--duck rest areas during the duck season)

Sunspot Mine (Pulmon and Schuyler Counties)

Siloam Springs State Park

c) Statewide regulations as provided for in this Part apply at the following sites; in addition, a permit is required; only Egg Traps, D-P (Dog-Proof) Traps, box traps, cage traps, and traps of similar design may be used for land sets (exceptions in parentheses):

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Argyle Lake State Park
Banner Marsh State Fish and Wildlife Area (no-trapping-during-duck-season)
Big Bend Fish and Wildlife Area (after the close of rabbit season foothold traps with a jaw spread of 7 1/2 inches or less may be used for water sets)
Coleta Ponds
Giant City State Park
Hennepin Canal Parkway including Sinnissippi Lake (trappers must register at park office; no floats may be set more than 14 days prior to the season and must be removed at the conclusion of the season; no land sets)

Horseshoe Lake State Park-Madison County
Johnson-Sauk Trail State Park
Lake Le-Aqua-Na State Park
Mackinaw River State Fish and Wildlife Area
Marshall County Fish and Wildlife Area (no-trapping-during-duck-season)
Morrison Rockwood State Park

Rice Lake Fish and Wildlife Area (no-trapping-during-duck-season)
Rock Cut State Park
Sangchris Lake State Park
Shabbona Lake State Park

Sparland Fish and Wildlife Area (no-trapping-during-duck-season)
Spring Lake Conservation Area (no-trapping-during-duck-season)
Trail of Tears State Forest

Union County Conservation Area
e) Trapping is prohibited on all other Department-Owned, -leased or -managed sites except by special permit which shall be issued by the

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Setters-SFWA-and-the-year-body-gripping-traps-with-a-jaw-spread of-5-inches-or-less-and-foothold-traps-with-a-jaw-spread-of-4-1/2 inches-or-less-may-be-used-for-land-sets-beaver-trapping-closes at-the-end-of-the-muskrat-season

Mormet Lake Fish and Wildlife Area
Mississippi River Fish and Waterfowl Area (Pools 25, 26) (no trapping-during-duck-season)

Moraine Hills State Park (water sets only: only body-gripping traps with a jaw spread of 5 inches or less may be used; no more than two persons may enter drawing on a single card--current--or previous--year--a--illinois--trapping--license--required--to-enter drawing)

Panther Creek Conservation Area
Peabody River King Fish and Wildlife Area (west subunit only)

Randolph County Conservation Area
Redwing Slough/Deer Lake State Natural Area (water sets only: only body gripping traps with a jaw spread of 5-6 inches or less may be used)

Sangchris-Lake-Fish-and-Wildlife-Area-(no-trapping-during-duck season)

Sanganolis Fish and Wildlife Area
Ten Mile Creek State Fish and Wildlife Area (areas-designated-as Refuge-are-closed-to-all-access-during-Canada-Goose-season-only; permits-must-be-returned-to-the-District-Wildlife-Manager-P.O. Box-3137-Miney-IL-62450-by-March-31)

Turkey Bluffs Fish and Wildlife Area

Washington County Conservation Area
d) Statewide regulations as provided for in this Part apply at the following sites: in addition, a permit is required; only Egg Traps, D-P (Dog-Proof) Traps, box traps, cage traps, and traps of similar design may be used for land sets; only body-gripping traps with a jaw spread of 5 inches or less, foothold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets (exceptions in parentheses):

Anderson Lake Conservation Area (no-trapping-during-duck-season)

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Department when it is determined that the harvest of a species would enhance the biological balance of the resource.

- 1) All regulations shall be according to species regulations as provided for in this Part.
- 2) Permit application information and site specific regulations shall be announced publicly by the Department through the news media by September 1 of each year.
- 3) Site specific regulations shall be listed on the application and permit and posted at the site.

(Source: Am **AUG 29 1995** 19 Ill. Reg. **12640**, effective)

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Testing Fees For Analytical Services

- 2) Code Citation: 35 Ill. Adm. Code 691

- 3) Section Numbers: Adopted Action:

691.101	Amend
691.102	Amend
691.103	Repeal
691.104	Amend
691.105	Amend
691.106	Amend
691.200	New Section
691.201	Amend
691.202	Repeal
691.203	Amend
691.301	Amend
691.303	Amend
691.304	Amend
691.305	Amend
691.306	Amend
691.401	New Section
691.403	New Section
691.Appendix	Repeal

- 4) Statutory Authority: Implementing and authorized by Section 17.7 of the Illinois Environmental Protection Act ("Act") (415 ILCS 5/17.7) (See Public Act 88-488, effective September 10, 1993).

- 5) Effective Date of the Amendments: August 24, 1995

- 6) Does this rulemaking contain an automatic repeal date? No.

- 7) Does this rulemaking contain incorporations by reference? Yes.

- 8) Date Filed in Agency's Principal Office: August 24, 1995

- 9) Notice of Proposal Published in the Illinois Register: March 24, 1995, 19 Ill. Reg. 3756

- 10) Has JC&R issued a Statement of Objection to these rules? No. On August 1, 1995, the Illinois Environmental Protection Agency ("Agency") received the Certification of No Objection to Proposed Rulemaking from the Joint Committee on Administrative Rules ("JC&R").

- 11) Differences between the proposal and adopted version: The Agency made numerous editing changes to the headings and to the text of these amendments in accordance with the recommendations of the Index Department,

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provided by the Agency, within 45 days after issuance of the notice.

- c) No program participation fee shall be due from any community water supply that duly notifies the Agency of its nonparticipation as required by subsection (b).
- d) If the community water supply declares its nonparticipation in the program or fails to pay the required fees, the Agency shall not perform any laboratory testing for the supply during the program participation period unless the services are otherwise paid for, except that the Agency has the duty under Section 4(p) of the Act to analyze samples from such community water supplies only for:

- 1) Up to six total coliform samples per sampling period as required under Section 4(p) of the Act; and
 - 2) Contaminants for which a maximum allowable concentration in finished drinking water has been established by Board regulation in 35 Ill. Adm. Code, Subtitle F prior to January 1, 1988.
- e) Community water supplies that choose not to participate in the program or do not pay the fees shall have the duty to analyze all drinking water samples as required by State or federal safe drinking water regulations established after enactment of the federal Safe Drinking Water Act Amendments of 1986. (Section 17.7 of the Act)

Section 691.200, Fee Payment, was added to these amendments as follows:

Section 691.200 Fee Payment

- a) Community water supplies must pay all annual testing fees due under this Part prior to the initiation of any laboratory testing by the Agency.
- b) Payment of fees under this Part does not entitle a community water supply to any analytical services other than those provided by the Program.

(Source: Added at 19 Ill. Reg. ___, effective ___,).

Section 691.201, Calculation of Fee, was amended to include text from Section 17.7 of the Act and the fee determination criteria from other sections of this Part as follows:

- a) The Agency, with the concurrence of the Council shall determine the fee for participating in the Program pursuant to Section 17.7 of the Act. The fee determination shall be based upon actual and anticipated costs for testing and the associated administrative costs of the

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Administrative Code Division, Office of the Secretary of State and JCAR.

The Agency has made the following changes to the text of these sections to this Part at the request of JCAR:

Section 691.101, Purpose and Applicability, was amended as follows:

- a) The purpose of this Part is to establish procedures for participation by community water supplies in the Agency's drinking water analysis program and for the determination and collection of fees for participation in the program analyses of drinking water by the Agency.
- b) This Part applies to community water supplies. Each community water supply in the State is a participant in the Agency's drinking water analysis program unless it declares its intent to not participate, as authorized by Section 691.105(c) of this Part.

In Section 691.102, Definitions, the following definition was added:

"Drinking water analysis program" or "Program" means the laboratory analysis of community water supplies by the Agency for any community water supply that does not declare its intent to not participate, in accordance with Section 691.105(c), and pays the fees established pursuant to Subpart B of this Part.

Section 691.104, Period of Program Participation, was amended as follows:

Except as provided by Section 691.105, each community water supply shall participate in the program for a 3-year period commencing July 1, 1995, and for additional 3-year periods thereafter. Any community water supply entering the program after the commencement of a 3-year period will be assigned a period of participation designed to expire at the end of the current 3-year cycle.

Section 691.105, Nonparticipation in the Program, was amended to include nonparticipation requirements from other sections of this Part as follows:

- a) In January of the year in which a 3-year program period commences, the Agency will notify each community water supply of the supply's option to not participate in the Program and to have its drinking water analyses performed by a certified laboratory operated by an entity other than the Agency. Each year, the Agency will inform the community water supply of the fee for program participation that has been determined for that community water supply as provided in Subpart B of this Part.

- b) Any community water supply may indicate its intention to not participate in the Program by notifying the Agency, using the form

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September 10, 1993. In accordance with Section 17.7(e) of the Act, the Agency has submitted these amendments to the Community Water Supply Testing Council for review and concurrence prior to submission of these amendments for rulemaking.

- 16) Information and questions regarding the adopted amendments should be directed to:

Stephen C. Ewart
Deputy Counsel
Division of Legal Counsel
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-5544

The full text of the adopted amendments begins on the next page:

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Agency and the Council.

- b) By October 1 of each year, the Agency shall submit its fee determination and supporting documentation for the forthcoming calendar year to the Council. Before the following January 1, the Council shall hold at least one regular meeting to consider the Agency's determination. If the Council concurs with the Agency's determination, it shall take effect. (Section 17.7 of the Act)

- c) In determining the fees, the Agency and the Council shall consider, but are not limited to, the following criteria:

- 1) number of service connections of the community water supply (see Section 691.2031);

- 2) maximum and minimum testing fees for all community water supplies;

- 3) single or multiple payment plans for annual or multi-year fees; and

- 4) testing requirement differences among community water supplies based on considerations including but not limited to the following:

- A) the potable water is derived from a groundwater or surface water source;

- B) the community water supply is a parent or purchasing supply; or

- C) the differences in required analytical services.

- 12) Have all the changes agreed upon by the agencies and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

- 13) Will these amendments replace emergency amendments currently in effect? No.

- 14) Are there other proposed amendments pending on this Part? No.

- 15) Summary and purpose of rules: These amendments to the testing fees for analytical services establish procedures for the determination and the collection of fees from community water supplies for analytical services to show compliance with the drinking water regulations established pursuant to the federal Safe Drinking Water Act (42 U.S.C. 300f (1991)) and the Act [415 ILCS 5/17.7]. The amendments to these rules reflect the changes resulting from the enactment of Public Act 88-488, effective

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 691
ANNUAL TESTING FEES FOR ANALYTICAL SERVICES

SUBPART A: GENERAL

- Section 691.101 Purpose and Applicability
- 691.102 Definitions
- 691.103 Payment of Annual Testing Fee Required Prior to Laboratory Testing by the Agency (Repealed)
- 691.104 Analytical Service Period of Program Participation
- 691.105 Nonparticipation Reduced Participation in the Annual Testing Fee Program
- 691.106 Relation to Other Fee Systems (Repealed)
- 691.107 Severability

SUBPART B: PROGRAM PARTICIPATION PROCEDURES FOR ESTABLISHING ANNUAL TESTING FEES

- Section 691.200 Fee Payment
- 691.201 Calculation of Annual Testing Fee For Calendar Year 1990
- 691.202 Annual Testing Fee After Calendar Year 1990 (Repealed)
- 691.203 Determining the Number of Service Connections

SUBPART C: PROCEDURES FOR BILLING AND COLLECTING ANNUAL TESTING PROGRAM PARTICIPATION FEES

- Section 691.301 Billing Statements
- 691.302 Due Date of Payment
- 691.303 Form of Payment
- 691.304 Prohibition Against Refund (Repealed)
- 691.305 Overpayment or Underpayment of Program Participation Annual Testing Fee
- 691.306 Audit and Access to Records

SUBPART D: DISPUTE RESOLUTION PROCEDURES

- Section 691.401 Council's Non-Concurrence With the Agency Fee Determination
- 691.403 Dispute Resolution
- APPENDIX A Agreement for Reduced Participation in Sample Analysis (Repealed)

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENT(S)

AUTHORITY: Implementing and authorized by Section 17.7 of the Environmental Protection Act [415 ILCS 5/17.7] (see Public Act 88-488, effective September 10, 1993).

SOURCE: Adopted at 14 Ill. Reg. 2045, effective January 18, 1990; amended at 19 Ill. Reg. 12648, effective AUG 24 1995.

SUBPART A: GENERAL

Section 691.101 Purpose and Applicability

- a) The purpose of this Part is to establish procedures for participation by community water supplies in the Agency's drinking water analysis program and for the determination and collection of fees for participation in the program analyses of drinking water by the Agency.
- b) This Part applies to community water supplies. Each community water supply in the State is a participant in the Agency's drinking water analysis program unless it declares its intent to not participate, as authorized by Section 691.105(c) of this Part.

(Source: AUG 24 1995 19 Ill. Reg. 12648, effective)

Section 691.102 Definitions

- a) Unless specified otherwise, all terms shall have the meaning set forth in the Act.
- b) For purposes of this Part, the following definitions apply:

"Act" means the Environmental Protection Act (415 ILCS 5).

"Agency" means the Illinois Environmental Protection Agency.

"Board" means the Illinois Pollution Control Board.

"Certified laboratory" means any laboratory approved by the Agency pursuant to 35 Ill. Adm. Code 183, or other department or agency of State government if such authority is delegated for the specific parameters to be examined, pursuant to Section 4(n) or (o) of the Act.

"Community water supply" or "supply" means a public water supply which serves or is intended to serve at least 15 service connections used by residents or regularly serves at least 25 residents. (Section 3.05 of the Act)

"Council" means the Community Water Supply Testing Council established by Section 17.7(c) of the Act.

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"Drinking water analysis program" or "Program" means the laboratory analysis of community water supplies by the Agency for any community water supply that does not declare its intent to not participate, in accordance with Section 691.105(c), and pays the fees established pursuant to Subpart B of this Part.

"Laboratory testing" means the analysis of drinking water by the Agency required under Section 4(p) of the Act, other than analytical work described in Section 691.103(b)(1) or (2) 35 Ill. Adm. Code Subtitle F and federal regulations established under the Safe Drinking Water Act (42 U.S.C. 300 f).

"Parent community water supply" or "Parent supply" is a community water supply that uses or sells potable water derived from its own sources or receives only a portion of its potable water from other potable water sources.

"Program participation Annual-testing fee" or "fee" means the amount due from the community water supply for analytical services under the Program prescribed by Section 17.7 of the Act.

"Public water supply" or "PWS" means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures. Intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. A public water supply is either a "community water supply" or a "non-community water supply". (Section 3.28 of the Act)

"Purchasing community water supply" or "Purchasing supply" is a community water supply that purchases or receives its potable water entirely from another potable water source.

"Service connection" means the opening, including all fittings and appurtenances at the water main through which water is supplied to the user.

(Source: Amended at 19 Ill. Reg. 12648, effective AUG 24 1995)

Section 691.103 Payment of Annual Testing Fee Required Prior to Laboratory Testing by the Agency (Repealed)

- a) Community water supplies must pay all annual testing fees due under this Part prior to the initiation of any laboratory testing by the

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Agency:

- b) Unless all fees due from a community water supply under this Part have been paid to the Agency, the Agency shall have the duty under Section 4(p) of the Act to analyze samples from such community water supply only for:

- 1) Up to six total coliform samples per sampling period as required under Section 4(p) of the Act; and
- 2) Contaminants for which a maximum allowable concentration in finished drinking water has been established by Board regulation in 35 Ill. Adm. Code: Subtitle F prior to January 17, 1988.

(Source: Repealed at 19 Ill. Reg. 12648, effective AUG 24 1995)

Section 691.104 Analytical Service Period of Program Participation

Except as provided by Section 691.105, each community water supply shall participate in the program for a 3-year period commencing July 1, 1995, and for additional 3-year periods thereafter. Any community water supply entering the program after the commencement of a 3-year period will be assigned a period of participation designed to expire at the end of the current 3-year cycle.

- a) Except as provided otherwise in subsection (b), upon payment of the annual testing fee by a community water supply in accordance with this Part, the Agency shall perform laboratory testing commencing no later than July 1 of the year in which payment is received by the Agency and ending on the following June 30.

- b) For a new community water supply that receives a billing statement after the Agency's annual billing cycle, the Agency shall perform laboratory testing for a period of time which shall commence on the first day of the first calendar quarter after fee payment is received by the Agency and shall end on the following June 30.

(Source: Amended at 19 Ill. Reg. 12643, effective AUG 24 1995)

Section 691.105 Nonparticipation Reduced-Participation in the Annual Testing Fee Program

- a) In January of the year in which the 3-year program period commences, the Agency will notify each community water supply of the supply's option to not participate in the Program and to have its drinking water analyses performed by a certified laboratory operated by an entity other than the Agency. Each year, the Agency will inform the community water supply of the fee for program participation that has been determined for that community water supply as provided in Subpart B of this Part.

- b) Any community water supply may indicate its intention to not participate in the Program by notifying the Agency, using the form

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provided by the Agency, within 45 days after issuance of the notice.
 c) No program participation fee shall be due from any community water supply that duly notifies the Agency of its nonparticipation as required by subsection (b).

d) If the community water supply declares its nonparticipation in the program or fails to pay the required fees, the Agency shall not perform any laboratory testing for the supply during the program participation period unless the services are otherwise paid for, except that the Agency has the duty under Section 4(p) of the Act to analyze samples from such community water supplies only for:

- 1) Up to six total coliform samples per sampling period as required under Section 4(p) of the Act; and
- 2) Contaminants for which a maximum allowable concentration in finished drinking water has been established by Board regulation in 35 Ill. Adm. Code, Subtitle F prior to January 1, 1988.

e) Community water supplies that choose not to participate in the program or do not pay the fees shall have the duty to analyze all drinking water samples as required by State or federal safe drinking water regulations established after enactment of the federal Safe Drinking Water Act Amendments of 1986. (Section 17.7 of the Act)

a) Except as provided otherwise in subsection (b), an annual testing fee shall be due from each community water supply.

b) No annual testing fee shall be due from any community water supply that both:

- 1) Signs and returns to the Agency the Agreement set forth in Appendix A within 45 days after issuance of the billing statement to the community water supply; and
- 2) Submits no samples to the Agency for analytical testing during the analytical service period for which the signed Agreement submitted pursuant to subsection (b)(1) applies, other than samples for the analyses described in Section 691.103(b).

c) If no annual testing fee is due from a community water supply pursuant to subsection (b), the Agency shall not perform any laboratory testing for the supply during the analytical service period for which the signed Agreement submitted under subsection (b)(1) applies, other than the testing described in Section 691.103(b).

(Source: Amended at 19 Ill. Reg. 12648, effective AUG 24 1995)

Section 691.106 Relation to Other Fee Systems (Repealed)

Payment of fees under this Part shall not include any fees due to the Agency for any purpose other than the annual testing fees.

(Source: Repealed at 19 Ill. Reg. 12648, effective AUG 24 1995)

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SUBPART B: PROGRAM PARTICIPATION PROCEDURES FOR ESTABLISHING ANNUAL TESTING FEES

Section 691.200 Fee Payment

- a) Community water supplies must pay all annual testing fees due under this Part prior to the initiation of any laboratory testing by the Agency.
- b) Payment of fees under this Part does not entitle a community water supply to any analytical services other than those provided by the Program.

(Source: Added at 19 Ill. Reg. 12648, effective AUG 24 1995)

Section 691.201 Calculation of Annual Testing Fee For Calendar Year 1999

For calendar year 1999, the fee from each community water supply shall be determined by multiplying \$0.75 by the number of service connections subject to a minimum fee of \$99 and a maximum fee of \$27500. (Section 17.7 of the Act)

a) The Agency, with the concurrence of the Council, shall determine the fee for participating in the Program pursuant to Section 17.7 of the Act. The fee determination shall be based upon actual and anticipated costs for testing and the associated administrative costs of the Agency and the Council.

b) By October 1 of each year, the Agency shall submit its fee determination and supporting documentation for the forthcoming calendar year to the Council. Before the following January 1, the Council shall hold at least one regular meeting to consider the Agency's determination. If the Council concurs with the Agency's determination, it shall take effect. (Section 17.7 of the Act)

c) In determining the fees, the Agency and the Council shall consider, but are not limited to, the following criteria:

- 1) number of service connections of the community water supply (see Section 691.203);
- 2) maximum and minimum testing fees for all community water supplies;
- 3) single or multiple payment plans for annual or multi-year fees; and
- 4) testing requirement differences among community water supplies based on considerations including but not limited to the following:
 - A) the potable water is derived from a groundwater or surface water source;
 - B) the community water supply is a parent or purchasing supply;

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or
C) the differences in required analytical services.

(Source: Amended at 19 Ill. Reg. 12648, effective
AUG 24 1995)

Section 691.202 Annual Testing Fee After Calendar Year 1990 (Repealed)

- a) The annual fees for calendar years after 1990 shall be determined by the Agency in accordance with this Section and shall be within the following range:
- 1) The basic testing fee shall be at least \$0.65 and not more than \$0.95 per service connection;
 - 2) The minimum fee per community water supply shall be at least \$75 and not more than \$110; and
 - 3) The maximum fee per community water supply shall be at least \$2,200 and not more than \$3,200;
- b) The Agency shall base its annual fee determination upon the actual and anticipated costs of the additional testing provided for under the Federal Safe Drinking Water Act amendments of 1986 and the associated administrative costs of the Agency and the Community Water Supply Testing Council;
- c) For each calendar year the Agency shall submit its fee determination and supporting documentation to the Council by the preceding October 1; and the Council shall hold at least one regular meeting to consider the Agency's determination prior to January 1;
- d) If the Council concurs with the Agency's determination, it shall thereupon take effect;
- e) If the Council does not concur with an Agency fee determination by January 1 of the calendar year in which the fee was intended to be applicable, the prior year's fees shall remain in effect for one additional year. During this additional year, the Director and the Chairman shall make every reasonable effort to resolve any outstanding concerns. Failure to resolve such concerns by January 1 of the following year shall result in the Agency having the duty under subsection (f) of Section 4 of the Act to analyze samples from community water supplies only for total coliform and contaminants for which a maximum allowable concentration in finished water was established by Board regulation prior to January 1, 1988.

(Source: AUG 24 1995 at 19 Ill. Reg. 12648, effective
AUG 24 1995)

Section 691.203 Determining the Number of Service Connections

- a) In determining the number of service connections for purposes of calculating determining the annual testing fee under Sections 691.201 or 691.202, the community water supply shall include only those

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service connections for which the community water supply is:

- 1) Directly metering or collecting revenue; or
 - 2) Otherwise providing delivery of potable water.
- b) When finished water is sold to another community water supply, the selling community water supply shall not include the service connections of the purchasing community water supply for purposes of calculating the annual testing fee under Sections 691.201 or 691.202. The purchasing community water supply shall include its service connections for purposes of calculating the annual testing fee under Sections 691.201 or 691.202.

(Source: Amended at 19 Ill. Reg. 12648, effective
AUG 24 1995)

SUBPART C: PROCEDURES FOR BILLING AND COLLECTING ANNUAL TESTING PROGRAM PARTICIPATION FEES

Section 691.301 Billing Statements

Commencing in 1990, the Agency shall send a billing statement for the annual testing fee to each community water supply in January of each calendar year.

(Source: Amended at 19 Ill. Reg. 12648, effective
AUG 24 1995)

Section 691.303 Form of Payment

- a) Payment must be by check or money order payable to "Treasurer, State of Illinois" and shall be accompanied by the name of the community water supply and the facility identification number assigned by the Agency's Division of Public Water Supplies.
- b) Payment and all supporting documentation must be mailed together in a single package to:
Illinois Environmental Protection Agency
Data Entry and Cash Receipts Unit
Fiscal Services Section
2200-Churchill-Read
P.O. Box 19276
Springfield, Illinois 62794-9276
- c) Payment shall not include any fees due to the Agency for any purpose other than participation in the program the annual testing fee.
- d) Any testing fee remitted to the Agency shall not be refunded at any time or for any reason, either in whole or in part.

(Source: AUG 24 1995 at 19 Ill. Reg. 12648, effective
AUG 24 1995)

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Section 691.304 Prohibition Against Refund (Repealed)

~~Any annual testing fee remitted to the Agency shall not be refunded at any time or for any reason, either in whole or in part.~~

(Source: Repealed at 19 Ill. Reg. 12648, effective AUG 24 1995)

Section 691.305 Overpayment or Underpayment of Annual Testing Program Participation Fee

- a) If the amount remitted is more than the amount due under this Part, the community water supply's account shall be credited by the amount of the overpayment.
- b) If the amount remitted is less than the amount due under this Part, the community water supply will be billed for the balance due.

(Source: Amended at 19 Ill. Reg. 12648, effective AUG 24 1995)

Section 691.306 Audit and Access to Records

- a) Each community water supply participating in the Program ~~for which an annual testing fee is required under this Part~~ shall preserve and maintain all records relating to the number of service connections used in calculating the fee for at least 5 years after the close of the participation ~~analytical service period~~.

- b) The records described in subsection (a) shall be available to the Agency or its authorized representative for examination during normal business hours.

(Source: Amended at 19 Ill. Reg. 12648, effective AUG 24 1995)

SUBPART D: DISPUTE RESOLUTION PROCEDURES

Section 691.401 Council's Non-Concurrence With the Agency Fee Determination

If the Council does not concur with the Agency fee determination by January 1 of the calendar year in which the testing fee was intended to be effective or if the Agency and the Council do not agree on any other issue related to the testing fee program by January 1 of the same calendar year, the Agency and the Council shall make every effort to resolve the dispute in question within the time frame established in Section 691.403 below.

(Source: Amended at 19 Ill. Reg. 12648, effective AUG 24 1995)

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Section 691.403 Dispute Resolution

- a) If the Agency and the Council cannot agree on issues related to the program, the Council shall initiate procedures for an external audit of the program.
- b) The results of the external audit, including the recommendation, shall serve as the basis for Agency and Council deliberations regarding the issue in dispute.
- c) If the conclusions of the external audit will not be completed by January 1 of the calendar year in which the testing fee was intended to take effect, the Agency shall issue billing statements to community water supplies in amounts that are derived from the Agency fee determination.
- d) If the Agency and the Council deliberations conclude that, based upon the external audit, the fee should be different from the Agency fee determination amount, the Agency shall make the necessary adjustments in the subsequent fiscal year's Agency fee determination amount.

(Source: Added at 19 Ill. Reg. 12648, effective AUG 24 1995)

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Section 691.APPENDIX A Agreement for Reduced Participation in Sample Analysis (Repealed)

AGREEMENT TO PROVIDE FOR REDUCED PARTICIPATION IN SAMPLE ANALYSIS

PACIFICITY-# FOR-SAMPLING-FROM -----, 19--*, THROUGH-JUNE-30-19--*

NAME

ADDRESS

Pursuant to Section 17.7 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111-17, par. 1017.7) as added by P.A. 86-6767 effective January 1, 1990, the above referenced community water supply elects not to have the Illinois Environmental Protection Agency analyze drinking water for contaminants other than total coliform and contaminants for which a maximum allowable concentration in finished water was established by Board regulation prior to January 1, 1988.

It is understood that all laboratory analyses must be carried out by a laboratory which has been certified by the Agency and that all test results must be forwarded to the Agency in accordance with 35 Ill. Adm. Code, Subtitle P.

It is further understood that failure by the community water supply to perform laboratory analyses will result in enforcement action by the Agency.

It is further understood that the Agency will continue to perform laboratory analyses only for up to six total coliform samples and for contaminants for which a maximum allowable concentration in finished water has been established by Board regulation prior to January 1, 1988.

It is further understood that this Agreement will expire on June 30, 19--* and that this Agreement is irrevocable.

Owner or Official Custodian ----- Date -----

P-----

*The Agency will enter the correct year for the annual analytical service period as described in Section 691.404.

(Source: Repealed at 19 Ill. Reg. **12648**, effective Aug 2 1995)

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1) Heading of the Part: Aid to Families with Dependent Children2) Code Citation: 89 Ill. Adm. Code 1123) Section Number: Adopted Action:

112.67 New Section

4) Statutory Authority: Section 25 of Public Act 89-6 [305 ILCS 5/4-1.2c] and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13].5) Effective Date of Amendments: September 1, 19956) Does this rulemaking contain an automatic repeal date? No7) Do these Amendments contain incorporations by reference? No8) Date Filed in Agency's Principal Office: September 1, 19959) Notice of Proposal Published in Illinois Register:

May 5, 1995 (19 Ill. Reg. 6257)

10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No11) Differences between proposal and final version: The following changes were made in the text of the proposed amendments:

1. In Section 112.67(a), "their" was changed to "his or her" and a comma was added after arrangement.

2. In Section 112.67(a)(5)(E), "(see 89 Ill. Adm. Code 302.40(e))" was added between "living" and the semicolon.

3. In Section 112.67(a)(5)(E), in response to comments, "and" was changed to "or".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes13) Will these Amendments replace Emergency Amendments currently in effect?
No14) Are there any Amendments pending on this Part? YesSections Proposed Action Illinois Register Citation

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112.8	Amendment	July 14, 1995	(19 Ill. Reg. 9376)
112.71	Amendment	August 18, 1995	(19 Ill. Reg. 11773)
112.73	Amendment	August 18, 1995	(19 Ill. Reg. 11773)
112.251	Amendment	July 21, 1995	(19 Ill. Reg. 10363)
112.252	Amendment	July 21, 1995	(19 Ill. Reg. 10363)
112.253	Amendment	July 21, 1995	(19 Ill. Reg. 10363)
112.254	Amendment	July 21, 1995	(19 Ill. Reg. 10363)
112.300	Amendment	July 14, 1995	(19 Ill. Reg. 9376)
112.306	Amendment	July 14, 1995	(19 Ill. Reg. 9376)
112.308	Amendment	July 14, 1995	(19 Ill. Reg. 9376)

15) Summary and Purpose of Amendments: In accordance with provisions of Public Act 89-6, the fast track welfare reform legislation, these amendments require minors under 18 who are pregnant and minor parents under 18, unless they are married, to live with his or her parent, legal guardian, other adult relative or in an adult-supervised supportive living arrangement to be eligible for AFDC. Exceptions are granted in specific circumstances.

These amendments provide that a minor parent (including a pregnant woman) under age 18 who has never married and the dependent child in his or her care must reside in the household of his or her parent, legal guardian, or other adult relative, or in an adult-supervised supportive living arrangement in order to receive an AFDC cash payment unless:

1. The minor parent has no living parent or legal guardian whose whereabouts are known;
2. No living parent or legal guardian of the minor parent allows the minor parent to live in his or her home;

3. The minor parent lived apart from his or her own parent or legal guardian for a period of at least one year before either the birth of the dependent child or the minor parent's having made application for AFDC;

4. The physical or emotional health or safety of the minor parent or dependent child would be jeopardized if they resided in the same residence with the parent or legal guardian;

5. There is otherwise good cause for the minor parent and dependent child to receive assistance while living apart from the parent, legal guardian, or other adult relative, or an adult-supervised supportive living arrangement. These reasons are:

- A. The parent or guardian lives out-of-state;
- B. The parent or guardian is in an institution;

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- C. The parent or guardian is a substance abuser;
- D. The return of the minor parent and child to the parent or guardian's home would result in a lease violation or violation of local health or safety standards;
- E. The minor parent is placed by DCFS in independent living; or
- F. The minor parent is in a licensed substance abuse program which would not be available if the minor returned to the parent or guardian's home.

In accordance with provisions of this rulemaking, the minor will have the right to choose among these approvable living arrangements. The Department will not require the minor to explain why he or she chose one arrangement over another.

When a minor parent and his or her dependent child live with the parent, legal guardian, or other adult relative, or in an adult-supervised supportive living arrangement, then, where possible, the AFDC grant will be paid to the adult who is responsible for supervising the minor. Otherwise, the minor will receive the AFDC grant.

There are approximately 2,500 minor grantee cases. The living arrangement of the majority of these cases is not known, but it is likely that the Department would realize a very small grant savings from cases that will not comply or from cases that will be combined with their parents into a single unit.

The minimal administrative impact of this rulemaking has been absorbed into the Agency's FY'96 budget request.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Judy Umunna
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112

AID TO FAMILIES WITH DEPENDENT CHILDREN

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112.1 Description of the Assistance Program
112.5 Incorporation by Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

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112.8 Caretaker Relative
112.9 Client Cooperation
112.10 Citizenship
112.20 Residence
112.30 Age
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112.50 Living Arrangement
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112.60 Lack of Parental Support or Care
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Section
112.70 Participation Requirements for JOBS
112.71 Individuals Exempt from JOBS
112.72 JOBS Participation/Cooperation Requirements
112.73 Failure to Participate with the Work Incentive Demonstration Program (Renumbered)
112.74 JOBS Initial Assessment Process/Development of an Employability Plan
112.76 JOBS Orientation
112.77 Conciliation and Fair Hearings
112.78 JOBS Components
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112.80 Good Cause for Failure to Comply with JOBS Participation Requirements
112.81 Responsible Relative Eligibility for JOBS
112.82 JOBS Supportive Services
112.83 Young Parents Program
112.84 Work Experience Evaluation Project

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112.85 Four Year College/Vocational Training Demonstration Project

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112.86 Project Advance
112.87 Project Advance Experimental and Control Groups
112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers
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112.90 Project Advance Sanctions
112.91 Good Cause for Failure to Comply with Project Advance
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SUBPART F: EXCHANGE PROGRAM

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112.98 Exchange Program

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

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112.100 Unearned Income
112.101 Unearned Income of Stepparent or Parent
112.105 Budgeting Unearned Income
112.106 Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision
112.107 Initial Receipt of Unearned Income
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112.110 Exempt Unearned Income
112.115 Education Benefits
112.120 Incentive Allowances
112.125 Unearned Income In-Kind
112.126 Earmarked Income
112.127 Lump Sum Payments
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112.130 Earned Income
112.131 Earned Income Tax Credit
112.132 Budgeting Earned Income
112.133 Budgeting Earned Income of Applicants Employed On Date of Application And/Or Date Of Decision
112.134 Initial Employment
112.135 Budgeting Earned Income For Contractual Employees
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112.141 Earned Income Exemption
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 112.307 Responsibility of Sponsors of Aliens
 112.308 Special Needs Authorizations
 112.309 Institutional Status
 112.315 Young Parent program (Renumbered)
 112.320 Redetermination of Eligibility
 112.330 Twelve Month Extension of Medical Assistance Due to Increased Income from Employment
 112.331 Four Month Extension of Medical Assistance Due to Child Support Collections
 112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
 112.340 New Start Payments to Individuals Released from Department of Corrections Facilities

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 112.352 Qualified Provider
 112.354 Notification of Available Services
 112.356 Participant Rights and Responsibilities
 112.358 Additional Service to Secure or Maintain Child Care Arrangements
 112.362 Rates of Payment for Child Care
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 112.366 Non-JOBS Education and Training Program
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SUBPART K: TRANSITIONAL CHILD CARE

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 112.400 Transitional Child Care Eligibility
 112.404 Duration of Eligibility for Transitional Child Care
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 112.408 Qualified Child Care Providers
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 112.412 Participant Rights and Responsibilities
 112.414 Child Care Overpayments and Recoveries
 112.416 Fees for Service for Transitional Child Care
 112.418 Rates of Payment for Transitional Child Care

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 4-1 et seq. and 12-13) [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 238, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective

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June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended

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at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21566, effective October 19, 1984 for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 5, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13

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Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16006, effective October 6, 1989; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13562, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective SEP 1 1995.

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 112.67 Restriction in Payment to Households Headed by a Minor Parent

- a) A minor parent (including a pregnant woman) under age 18 who has never

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married and the dependent child in his or her care must reside in the household of his or her parent, legal guardian, or other adult relative, or in an adult-supervised supportive living arrangement, in order to receive an AFDC cash payment unless:

- 1) The minor parent has no living parent or legal guardian whose whereabouts are known;
- 2) No living parent or legal guardian of the minor parent allows the minor parent to live in his or her home;
- 3) The minor parent lived apart from his or her own parent or legal guardian for a period of at least one year before either the birth of the dependent child or the minor parent's having made application for AFDC;
- 4) The physical or emotional health or safety of the minor parent or dependent child would be jeopardized if they resided in the same residence with the parent or legal guardian;
- 5) There is otherwise good cause for the minor parent and dependent child to receive assistance while living apart from the parent, legal guardian, or other adult relative, or an adult-supervised supportive living arrangement. These reasons are:
 - A) The parent or guardian lives out-of-state;
 - B) The parent or guardian is in an institution;
 - C) The parent or guardian is a substance abuser;
 - D) The return of the minor parent and child to the parent or guardian's home would result in a lease violation or violation of local health or safety standards;
 - E) The minor parent is placed by DCFS in independent living (see 89 Ill. Adm. Code 302.40(e)); or
 - F) The minor parent is in a licensed substance abuse program which would not be available if the minor returned to the parent or guardian's home.
- b) The minor shall have the right to choose among these approvable living arrangements. The Department shall not require the minor to explain why he or she chose one arrangement over another.
- c) When a minor parent and his or her dependent child are required to live with the parent, legal guardian, or other adult relative, or in an adult-supervised supportive living arrangement, then, where possible, the AFDC grant is paid to the adult who is responsible for supervising the minor. Otherwise, the minor receives the AFDC grant.

(Source: Added at 19 Ill. Reg. 12664, effective SEP 1 1995.)

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- 1) Heading of the Part: Child Support Enforcement
- 2) Code Citation: 89 Ill. Adm. Code 160
- 3) Section Number: Adopted Action:
160.70
Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: August 31, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: August 31, 1995
- 9) Notice of Proposal Published in Illinois Register: November 14, 1994 (18 Ill. Reg. 16510)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: The following changes were made in the text of the proposed amendments:
 1. A period was added at the end of the AUTHORITY and "amended at 16 Ill. Reg. 1034" was changed to "amended at 15 Ill. Reg. 1034". In addition, all source notes were updated to "19 Ill. Reg."
 2. In Section 160.70(c)(1), a closing parenthesis was added after the ILCS citation.
 3. In Section 160.70(c)(2)(B)(i), "and" was deleted.
 4. In Section 160.70(c)(2)(B)(ii), the final period was stricken and replaced by a semicolon followed by "and".
 5. In Section 160.70(c)(2)(B)(iii), "In" was changed to the lower case.
 6. In Section 160.70(e)(1), the reference to "subsection (2) below" was changed to "subsection (e)(2) below".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect? No

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- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: These amendments make changes in the Department's liens against real estate and personal property provisions as they apply to the enforcement of child support orders.

As a result of these amendments, a petition for a rule to show cause or other petition filed by a Department legal representative to enforce an order for support will contain a request that judgment be entered against the responsible relative in the amount of the past-due support alleged in the petition, when both of the following circumstances exist:
 - A) the past-due amount is at least \$10,000; and
 - B) the responsible relative has an interest in real estate or personal property against which the judgment may be enforced.
 A judgment will be enforced by levy upon the real estate and personal property of the responsible relative in accordance with law when the relative has a known equity which is not less than \$10,000 in excess of any statutory exemption.
- 16) Past-Due Support Information to Consumer Reporting Agencies

These amendments also make changes in the provisions related to providing past-due support information to consumer reporting agencies. When reporting past-due support information to consumer reporting agencies, this rulemaking establishes that the Department will provide the responsible relative with a notice at least 15 days prior to furnishing the past-due support information to consumer reporting agencies. This advance notice will inform the relative of the following:
 - A) the IV-D Case name and identification number;
 - B) the past-due support amount which will be reported;
 - C) the date past-due support will be reported; and
 - D) the right to prevent reporting by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a redetermination by the Department.
- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Judy Umunna
Bureau of Rules and Regulations

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Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, IL 62762
(217) 524-3215

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER f: COLLECTIONS

PART 160

CHILD SUPPORT ENFORCEMENT

SUBPART A: CHILD SUPPORT ENFORCEMENT

Section

160.1 Incorporation By Reference
160.5 Definitions
160.10 General Provisions
160.12 Administrative Accountability Process
160.15 Application Processing Fee for IV-D Non-AFDC Cases
160.20 Assignment of Rights to Support
160.25 Recoupment

SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

Section

160.30 Cooperation With Support Enforcement Program
160.35 Good Cause For Failure to Cooperate With Support Enforcement
160.40 Proof of Good Cause For Failure to Cooperate With Support Enforcement
160.45 Suspension of Child Support Enforcement Upon Finding of Good Cause

SUBPART C: ESTABLISHMENT AND MODIFICATION OF
CHILD SUPPORT ORDERS

Section

160.60 Establishment of Support Obligations
160.65 Modification of Support Obligations

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section

160.70 Enforcement of Support Orders
160.75 Withholding of Income to Secure Payment of Support
160.77 Past Due Support Information to State Licensing Agencies
160.80 Amnesty - 20% Charge
160.85 Diligent Efforts to Serve Process

SUBPART E: EARMARKING CHILD SUPPORT PAYMENTS

Section

160.90 Earmarking Child Support Payments

SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

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Section 160.100 Distribution Of Child Support For AFDC Recipients
 160.110 Distribution Of Child Support For Former AFDC Recipients Who Continue To Receive Child Support Enforcement Services
 160.120 Distribution Of Child Support Collected While The Client Was An AFDC Recipient, But Not Yet Distributed At The Time The AFDC Case Is Cancelled
 160.130 Distribution Of Intercepted Income Tax Refunds and Other State Payments

SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

Section 160.140 Statement Of Child Support Account Activity

SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION OF CHILD SUPPORT

Section 160.150 Department Review Of Distribution Of Child Support For AFDC Recipients
 160.160 Department Review Of Distribution Of Child Support For Former AFDC Recipients

AUTHORITY: Implementing and authorized by Sections 4-1.7, 10-1 et seq., 12-4.3, and 12-13 of the Illinois Public Aid Code [305 ILCS 5/4-1.7, Art. X, 12-4.3 and 12-13].

SOURCE: Recodified from 89 Ill. Adm. Code 112.78 through 112.86 and 112.88 at 10 Ill. Reg. 11928; amended at 10 Ill. Reg. 19990, effective November 14, 1986; emergency amendment at 11 Ill. Reg. 4800, effective March 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9129, effective April 30, 1987; amended at 11 Ill. Reg. 15208, effective August 31, 1987; emergency amendment at 11 Ill. Reg. 1563, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 9065, effective May 16, 1988; amended at 12 Ill. Reg. 18185, effective November 4, 1988; emergency amendment at 12 Ill. Reg. 20835, effective December 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 22278, effective January 1, 1989; amended at 13 Ill. Reg. 4268, effective March 21, 1989; amended at 13 Ill. Reg. 7761, effective May 22, 1989; amended at 13 Ill. Reg. 14385, effective September 1, 1989; amended at 13 Ill. Reg. 16768, effective October 12, 1989; amended at 14 Ill. Reg. 18759, effective November 9, 1990; amended at 15 Ill. Reg. 1034, effective January 21, 1991; amended at 16 Ill. Reg. 1852, effective January 20, 1992; amended at 16 Ill. Reg. 9997, effective June 15, 1992; amended at 17 Ill. Reg. 2272, effective February 11, 1993; amended at 17 Ill. Reg. 18844, effective October 18, 1993; amended at 18 Ill. Reg. 697, effective January 10, 1994; amended at 18 Ill. Reg. 12052, effective July 25, 1994; amended at 18 Ill. Reg. 15083, effective September 23, 1994; amended at 18 Ill. Reg. 17886, effective November 30, 1994; amended at 19 Ill. Reg. 1314, effective January 30, 1995; amended at 19 Ill. Reg. 8298,

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effective June 15, 1995; amended at 19 Ill. Reg. **12675**, effective **AUG 8 1995**.

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section 160.70 Enforcement of Support Orders

- a) Definitions
The definitions contained in Section 160.60(a) are incorporated herein by reference.
- b) Income Withholding
Whether using the administrative process (see Section 160.60(d)) or the judicial process (see Section 160.60(e)), the Department shall follow the procedures for withholding of income contained in Section 160.75 to enforce and collect past-due support owed by responsible relatives in IV-D cases and it shall as promptly as possible distribute all amounts collected. In addition to income as defined in Section 160.75, the Department shall proceed to collect support from the principal and income of trusts as provided by Section 2-1403 of the Code of Civil Procedure (110 ILCS 5/2-1403).
~~2-1403~~ [735 ILCS 5/2-1403].
Federal and State Income Tax Refunds and Other State Payments
1) The Department shall collect past-due support owed by responsible relatives in IV-D cases through intercept of federal and State income tax refunds and other State payments (see Section 10.05a of the State Comptroller Act (110 ILCS 10.05a)) due such relatives.
2) The Department shall submit past-due support amounts to:
A) the Department of Health and Human Services to intercept federal income tax refunds in accordance with federal instructions as follows:
i) in IV-D AFDC and IV-E foster care cases, past-due support owed for a child or for a child and the parent with whom the child is living in an amount not less than \$150 which has been in arrears for 3 months or longer; and
ii) in IV-D Non-AFDC cases, past-due support owed to or for a minor child in an amount not less than \$500.
B) the Comptroller to intercept State income tax refunds and other State payments as follows:
i) in active IV-D cases, past-due support owed in an amount not less than one month's support obligation or \$150, whichever is less; and
ii) in inactive IV-D AFDC and IV-E foster care cases, past due support owed in any amount; and
iii) in cases in which the responsible relative who owes past-due support is receiving periodic payments from this State because of employment, disability,

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retirement or any other reason, the Department shall, upon obtaining knowledge of such circumstances, refund any amounts inadvertently intercepted to the responsible relative and proceed to collect past-due support pursuant to the income withholding provisions of the support statutes.

- 3) The Department shall provide the responsible relative with a notice prior to submitting a past-due support amount for intercept, which advance notice shall inform the responsible relative of the following:

- A) the IV-D case name and identification number;
- 3) the past-due support amount which will be submitted for intercept;
- C) the right to contest the determination that past-due support is owed or the amount of past-due support by requesting:
 - i) a redetermination by the Department or, after such redetermination,

- ii) an administrative review by any other state in which the support order was issued upon which the referral for federal income tax refund intercept is based, at the request of the responsible relative; and

- D) that the Internal Revenue Service will notify the responsible relative's spouse at the time of intercept regarding the steps to take to protect the share of the refund which may be payable to that spouse, in the case of a joint federal income tax return.

- 4) A request for a redetermination made within 15 days from the date of mailing of the advance notice shall stay the Department from submitting the past-due amount.

- 5) No later than 120 days after the date the redetermination was requested, the Department shall provide the responsible relative with a notice of the results of the redetermination and of the right to contest such results by requesting:

- A) a hearing by the Department within 30 days from the date of mailing of the notice; or
- B) an administrative review by any other state in which the support order was issued upon which the referral for federal income tax refund intercept is based.

- 6) If a responsible relative requests administrative review by the state in which the support order was issued upon which the referral for federal income tax refund intercept is based, the Department shall notify the state with the order of the request and shall provide that state with all necessary information within 10 days of the responsible relative's request. The Department shall be bound by the decision of the state with the order.

- 7) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.

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- 8) The Department shall notify:

- A) any other state enforcing the support order when the request for intercept is submitted and when the intercept amount is received;
- B) the Department of Health and Human Services of any deletion of an amount submitted for federal income tax refund intercept, in accordance with federal instructions;
- C) the Comptroller of any deletion of an amount submitted for State income tax refund or other payment intercept or any significant decrease in the amount; and
- D) the Clerk of Circuit Court of the county in which the child support order was entered of any amount intercepted for posting to the court payment record.

- 9) The Department shall:

- A) as promptly as possible refund to the responsible relative any amount intercepted found to exceed the amount of past-due support owed; and
- B) equitably apportion joint State income tax refunds and other State payments based upon copies of federal and State income tax returns, including all schedules and attachments, or other evidence of ownership, such equitable apportionment to be based on the documented proportionate net income of the parties, and pay to the joint payee that portion of the amount intercepted found to be his; except that the Comptroller shall apportion such refunds and payments in matters where the intercepted funds have not yet been transferred to the Department.

- 10) The Department shall as promptly as possible apply collections it receives as a result of intercept under this subsection only against the past-due support amount specified in the advance notice provided the responsible relative pursuant to subsection (c)(3) above and shall promptly apply:

- A) federal income tax refunds first to satisfy any IV-D AFDC or IV-D foster care assigned past-due support and then to satisfy any IV-D Non-AFDC past-due support; and
- B) State income tax refunds and other State payments to satisfy any active IV-D AFDC and IV-D foster care assigned past-due support, or first to satisfy active IV-D Non-AFDC past-due support and then to satisfy any IV-D AFDC and IV-D foster care assigned past-due support.

- 11) ~~10~~ The Department shall inform individuals who receive IV-D Non-AFDC support enforcement services, in advance, of the following:

- A) amounts intercepted under this subsection will be applied in accordance with Section 160.130;
- B) any payment received by the IV-D Non-AFDC individual as a result of federal income tax refund intercept may have to be returned to the Department within six years following the

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end of the tax year if there is an adjustment necessitated by the responsible relative's spouse filing an amended tax return in order to receive his share of a joint tax refund.

d) Unemployment Insurance Benefits

- 1) The Department shall collect support owed by responsible relatives in IV-D cases through intercept of unemployment insurance benefits in matters wherein the relative has accumulated a past-due support amount equal to a one month support obligation.

- 2) The Department shall take the following action:

- A) ascertain that the responsible relative qualifies for receipt of unemployment insurance benefits through access to the Department of Employment Security's (DES) computer file.
- B) collect child support owed through the intercept of unemployment insurance benefits by initiating procedures for income withholding in accordance with Section 160.75.
- C) establish the amount to be deducted by data entry to DES's computer file, which amount shall be the lesser of:
 - i) the amount of the income withholding order; or
 - ii) fifty percent (50%) of the Unemployment Insurance Benefit.
- D) receive amounts deducted direct from DES.
- E) notify the Clerk of the Circuit Court of the county in which the child support order is registered of each collection for posting to the court payment record.
- F) post each collection to the Department's payment record.
- G) apply each collection to the current support obligation, then to past-due obligations.
- H) provide a redetermination within 180 days from the date of request for redetermination to each relative who disputes the deduction and, where indicated, make adjustments and refund improperly deducted amounts.

- 3) The Department of Employment Security shall take the following action:

- A) provide notice to the responsible relative and an opportunity to be heard, when the Department cannot resolve the dispute.

- B) pay all amounts deducted direct to the Department.

e) Contempt of Court and Other Legal Proceedings

- 1) The Department shall refer IV-D cases to its legal representatives to initiate contempt of court and other legal proceedings, pursuant to the applicable provisions of the support statutes, for enforcement of orders for support in matters wherein the responsible relative has accumulated a past-due support amount equal to not less than a one month support obligation; except as set forth in subsection (e)(2) below.

- 2) Contempt proceedings shall not be used in the following instances:

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- A) the responsible relative has no known available income or assets from which to satisfy the support obligation and is:
 - i) receiving public assistance;
 - ii) mentally or physically disabled;
 - iii) incarcerated;
 - iv) out-of-the-country;
 - v) deceased; or
 - vi) otherwise situated making such action unproductive.

- B) other legal or administrative remedies are more appropriate under the circumstances.

- 3) Contempt and other legal proceedings shall be used to:

- A) establish the amount of past-due support;
- B) obtain a judgment for purposes of:
 - i) imposition of a lien against real estate,
 - ii) levy upon real estate and personal property, or
 - iii) registration in another state;
- C) secure an order for lump sum or periodic payment of the past-due support or judgment;
- D) require the responsible relative to post security, bond or give some other guarantee of a character and amount sufficient to assure payment of any amount due under the support order;
- E) obtain full or partial payment of past due support through incarceration;
- F) ascertain the responsible relative's source and amount of income or location and value of assets;
- G) secure other enforcement relief; and
- H) obtain any combination of the above.

- 4) During the course of contempt or other legal proceedings to enforce support, if it shall appear that there is no net income because of the unemployment of a responsible relative, who resides in Illinois and is not receiving General Assistance in the City of Chicago and has children receiving AFDC in Illinois, the Department shall request the court to order the relative to report for participation in job search, training or work programs established for such relatives under Section 9-6 of the Illinois Public Aid Code ~~§§§-Rev-Stat-1991-CH-337-par-9-6~~ [305 ILCS 5/9-6].

f) Liens Against Real Estate and Personal Property

- 1) The Department shall seek judgment liens against real estate and enforce judgments upon the real estate and personal property of responsible relatives, in IV-D cases in which a referral has been made to initiate court enforcement of an order for support, in accordance with Article XII of the Code of Civil Procedure ~~§§§-Rev-Stat-1991-CH-1107-par-12-101-et-seq~~ [735 ILCS 5/Art. XII].

- 2) A petition for a rule to show cause or other petition filed by a Department legal representative to enforce an order for support

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shall contain a prayer that judgment be entered against the responsible relative in the amount of the past-due support alleged in the petition, when both of the following circumstances exist:

- A) the past-due amount is at least \$10,000 ~~equals one-year's support-obligation-under-the-order-for-support--or--\$27007 whichever-is-less;~~ and
- B) the responsible relative has an interest in real estate or personal property against which the judgment may be enforced.

- 3) Upon obtaining a judgment, Department legal representatives shall secure liens against the real estate of responsible relatives by filing a transcript, certified copy, or memorandum of judgment in the county wherein the real estate is located, in accordance with law (see Article XII of the Code of Civil Procedure ~~§§117--Rev-Stat--19917--ch--1107--para--12-101-et-seq--~~ [735 ILCS 5/ Art. XII]).

- 4) A judgment shall be enforced by levy upon the real estate and personal property of the responsible relative in accordance with law (see Article XII of the Code of Civil Procedure ~~§§117--Rev-Stat--19917--ch--1107--para--12-101-et-seq--~~ [735 ILCS 5/Art. XII]) when the relative has a known equity which is not less than \$27000 \$10,000 in excess of any statutory exemption.

- g) Security, Bond or Other Guarantee of Payment

- 1) Except as provided in subsections (2) and (3) below, the Department shall require, or through its legal representative shall request the court to require, a responsible relative to post security, bond, or give some other guarantee of a character and amount sufficient to assure payment of any amount due under a support order in IV-D cases, pursuant to Section 10-17.4 of the Illinois Public Aid Code ~~§§117--Rev-Stat--19917--ch--1107--para--12-101-et-seq--~~ [305 ILCS 5/10-17.4].

- 2) In cases in which the support obligation is established through the administrative process contained in Section 160.60, the notice of support obligation provided to the responsible relative shall indicate that the Department may require the relative to post security, bond or give some other guarantee of payment. Except where the responsible relative is subject to income withholding, the administrative support order shall contain this requirement in an amount equal to a one year support obligation.

- 3) In acting upon a referral to establish a support obligation or to enforce an existing order for support, Department legal representatives shall include in the complaint or petition a prayer for an order requiring the responsible relative to post security, bond, or give some other guarantee of payment equal to a one year support obligation, unless the relative is subject to the income withholding provisions of the support statutes.

- h) Past-Due Support Information to Consumer Reporting Agencies

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) The Department shall, upon request of consumer reporting agencies, provide the following information concerning the payment records of responsible relatives in IV-D cases to such agencies when the amount of past-due support exceeds \$1,000:

- A) the name, last known address and Social Security Number of the responsible relative; and
- B) the terms and amount of past-due support which has accumulated under the order for support.

- 2) The Department shall provide the responsible relative with a notice at least 30 15 days prior to furnishing past-due support information to consumer reporting agencies, which advance notice shall inform the relative of the following:

- A) the IV-D case name and identification number;
- B) the past-due support amount which will be reported;
- C) the date past-due support will be reported; and
- D) the right to prevent reporting by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a redetermination by the Department.

- 3) The Department shall provide the responsible relative with notice of the results of the redetermination and the right to prevent reporting by payment in full of the past-due support found to be owed or to contest the results of the redetermination by requesting a hearing within 30 days from the date of mailing of the notice.

- 4) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.

- 5) The Department shall be stayed from providing information to consumer reporting agencies by either of the following:

- A) a request for
 - i) a redetermination, or
 - ii) a hearing contesting the determination that past-due support is owed or the amount of past-due support; or
- B) payment in full of the amount of the past-due support stated in the
 - i) advance notice, or
 - ii) notice of redetermination or hearing results.

- 6) The Department shall advise consumer reporting agencies of changes in the amount of the past-due support found to be owed as a result of a redetermination or hearing conducted after report to such agencies.

- i) Other Remedies

The Department shall pursue any other remedies provided for by law to enforce and collect past-due support owed by responsible relatives in IV-D cases.

(Source: Amended at 19 Ill. Reg. 12675, effective

AUG 31 1995)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Jockeys, Apprentices, Jockey Agents, and Valets

2) Code Citation: 11 Ill. Adm. Code 1411

3) Section Number: Adopted Action:

1411.72

Repealed

4) Statutory Authority: 230 ILCS 5

5) Effective Date of Rule: September 1, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporation by reference? No.

8) Date filed in Agency's Principal Office: August 28, 1995

9) Notice of Proposal Published in Illinois Register: 19 Ill. Reg. 7301, May 26, 1995

10) Has JCAR issued a Statement of Objections to this rule? No.

11) Differences between proposal and final version: A comma was removed from after "Racing" in the first line of the main Source note. The word "amendment" was changed to "amended" in the third line of the main Source note.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes.

13) Will these amendments replace emergency amendments currently in effect? No.

14) Are there any other proposed amendments pending in this Part? No

15) Summary and purpose of rules: This rulemaking repeals the prohibition that a jockey may not ride in the same race as his/her spouse.

16) Information and questions regarding these adopted amendments shall be directed to:

Gina DiCaro
Illinois Racing Board
Legal Department
100 West Randolph, Suite 11-100,
Chicago, IL 60601
(312) 814-2600

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

The full text of the adopted amendments begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER g: RULES AND REGULATIONS OF HORSE RACING
(THOROUGHBRED)

PART 1411

JOCKEYS, APPRENTICES, JOCKEY AGENTS, AND VALETS

Section

1411.05 Colors Worn by Riders

1411.10 Jockey Fees (Repealed)

1411.20 Paying Fines

1411.30 Jockey Ownership of Horse

1411.40 Under Suspension

1411.50 Betting By Jockey

1411.60 Record of Jockey Betting

1411.65 Interrogation by Stewards

1411.70 Racing Against Employer's Starter

1411.72 Spouses Riding Against Each Other (Repealed)

1411.75 Owner or Trainer As Spouse

1411.78 Racing Against Agent's Horse

1411.80 Priority of Retainers

1411.90 Conflicting Claims on Jockeys

1411.100 Whips, Length and Kind

1411.110 Illegal Whipping

1411.120 Leaving Operating Track

1411.130 Jockey Rules Apply to Apprentices

1411.140 Apprentice Rule

1411.150 Change of Agent

1411.160 Rough or Careless Riding

1411.170 Yearly Examination

1411.180 Examination Because of Illness

1411.190 Jockey's Valet

1411.195 Valet's Fees (Repealed)

1411.200 Record of Jockey Engagements by Agent

1411.210 Falsifying Engagement Records

1411.220 Agent Barred from Paddock and Track

1411.230 Engagements Made Through Agent

1411.240 Safety Equipment

1411.250 Designated Races

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (230 ILCS 5/9(b)).

SOURCE: Published in Rules and Regulations of Horse Racing (original date not cited in publication); codified at 5 Ill. Reg. 10977; amended at 7 Ill. Reg. 1423, effective January 24, 1983; amended at 17 Ill. Reg. 12426, effective July

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

15, 1993; amended at 17 Ill. Reg. 21852, effective December 3, 1993; amended at 18 Ill. Reg. 2092, effective January 21, 1994; amended at 19 Ill. Reg. 12687, effective SEP 1 1995.

Section 1411.72 Spouses Riding Against Each Other (Repealed)

Jockeys--who--are--spouses--may--not--ride--against--his--or--her--spouse--unless--their--mounts--are--coupled--in--the--betting--and--run--as--an--entry.

(Source: Repealed at 19 Ill. Reg. 12687, effective SEP 1 1995)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER 1: ILLINOIS RACING BOARD
SUBCHAPTER b: RULES APPLICABLE TO ORGANIZATION LICENSEES

PART 415
PROGRAMS

Section	
415.10	Required Information
415.20	Supply Information for Patrons (Repealed)
415.30	Thoroughbred Programs
415.40	Harness Programs
415.50	Quarterhorse Programs
415.60	Availability of Programs
415.70	Distribution of Programs

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (230 ILCS 5/9(b)).

SOURCE: Adopted at 4 Ill. Reg. 43, effective October 20, 1980; codified at 5 Ill. Reg. 10900; emergency amendment at 7 Ill. Reg. 16201, effective November 28, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 5698, effective April 16, 1984; amended at 14 Ill. Reg. 11314, effective July 3, 1990; amended at 16 Ill. Reg. 7486, effective April 24, 1992; amended at 18 Ill. Reg. 17756, effective November 28, 1994; amended at 19 Ill. Reg. 12691, effective SEP 1995.

Section 415.70 Distribution of Programs

Each organization licensee shall distribute its official program or provide electronic transmission of program information to all intertrack licensees and intertrack location licensees at least 24 hours before the scheduled post of the first race of its racing program.

(Source: Added at 19 Ill. Reg. 12691, effective SEP 1995)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Programs
- 2) Code Citation: 11 Ill. Adm. Code 415
- 3) Section Number: Adopted Action: 415.70 New Section
- 4) Statutory Authority: 230 ILCS 5
- 5) Effective Date of Rule: September 1, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No
- 8) Date filed in Agency's Principal Office: August 28, 1995
- 9) Notice of Proposal Published in Illinois Register: 19 Ill. Reg. 7140, May 10, 1995
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Differences between proposal and final version: No changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of rules: This rule requires organization licensees to provide program information to intertrack wagering facilities at least 24 hours before the scheduled race program.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Gina DiCaro
Illinois Racing Board
Legal Department
100 West Randolph, Suite 11-100
Chicago, IL 60601
(312) 814-2600

The full text of the adopted amendments begins on the next page:

DEPARTMENT ON AGING

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Community Care Program
- 2) Code Citation: 89 Ill. Adm. Code 240
- 3) Section Number: Emergency Action:
240.715 Amendment
- 4) Statutory Authority: 20 ILCS 105/4.01(4), (9), (11) and (12); 4.02; 4.03; and 5.02
- 5) Effective Date of Amendments: August 25, 1995
- 6) If this emergency rule amendment is to expire before the end of the 150 day period, please specify the date on which it is to expire. Emergency amendments will not be set to expire prior to the 150 day period.
- 7) Date Filed in the Agency's Principle Office: August 25, 1995

8) Reason for Emergency: This emergency rulemaking is in response to the Edgar v. Wright and Lindley, 92-CH-07165, Settlement Agreement entered into on July 26, 1995, in the Circuit Court of Cook County, Illinois.

In order to fulfill the Agreement reached between the plaintiffs and the Department, the Department has amended the assessment process to revise the method of scoring on the Determination of Need (DON) for Community Care Program (CCP) applicants/clients who meet selected criteria.

9) A Complete Description of the Subjects and Issues Involved: This emergency rulemaking is in response to the Edgar v. Wright and Lindley, 92-CH-07165, Settlement Agreement entered into on July 26, 1995, in the Circuit Court of Cook County, Illinois. Plaintiffs challenged the Department's assessment process alleging that the DON, utilized by the Department to ascertain the level of in-home care a person requires, fails to adequately consider an applicant's mental impairments.

In order to fulfill the Agreement reached between the plaintiffs and the Department, the Department has amended the assessment process to revise the method of scoring on the DON for CCP applicants/clients who meet selected criteria.

10) Are there any proposed amendments pending on this Part? Yes

Section	Proposed Action	Illinois Register Citation
240.436	New Section	February 17, 1995 (19 Ill. Reg. 1363)
240.655	Amendment	July 14, 1995 (19 Ill. Reg. 9362)
240.660	Amendment	July 14, 1995 (19 Ill. Reg. 9362)

DEPARTMENT ON AGING

NOTICE OF EMERGENCY AMENDMENTS

- | | | |
|----------|-----------|-----------------------------------|
| 240.820 | Amendment | July 14, 1995 (19 Ill. Reg. 9362) |
| 240.920 | Amendment | July 14, 1995 (19 Ill. Reg. 9362) |
| 240.1020 | Amendment | July 14, 1995 (19 Ill. Reg. 9362) |
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create a state mandate.
 - 12) Information and questions regarding this rule amendment shall be directed to:
 Ms. Pamela W. Balmer, Assistant
 Office of General Counsel
 Illinois Department on Aging
 421 East Capitol Avenue #100
 Springfield, IL 62701-1789
 (217) 785-3346

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT ON AGING

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER II: DEPARTMENT ON AGINGPART 240
COMMUNITY CARE PROGRAM

SUBPART A: GENERAL PROGRAM PROVISIONS

Section	
240.100	Community Care Program
240.110	Department Prerogative
240.120	Services Provided
240.130	Maintenance of Effort
240.140	Program Limitations
240.150	Completed Applications Prior to August 1, 1982 (Repealed)
240.160	Definitions

SUBPART B: SERVICE DEFINITIONS

Section	
240.210	Homemaker Service
240.220	Chore-Housekeeping Service (Repealed)
240.230	Adult Day Care Service
240.240	Information and Referral
240.250	Demonstration/Research Projects
240.260	Case Management Service
240.270	Alternative Provider
240.280	Individual Provider

SUBPART C: RIGHTS AND RESPONSIBILITIES

Section	
240.300	Applicant/Client Rights and Responsibilities
240.310	Right to Apply
240.320	Nondiscrimination
240.330	Freedom of Choice
240.340	Confidentiality/Safeguarding of Case Information
240.350	Applicant/Client/Authorized Representative Cooperation
240.360	Reporting Changes
240.370	Voluntary Repayment

SUBPART D: APPEALS

Section	
240.400	Appeals and Fair Hearings
240.405	Representation
240.410	When the Appeal May Be Filed
240.415	What May Be Appealed

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240.420	Group Appeals
240.425	Informal Review
240.430	Informal Review Findings
240.435	Withdrawing an Appeal
240.440	Examining Department Records
240.445	Hearing Officer
240.450	The Hearing
240.451	Conduct of Hearing
240.455	Continuance of the Hearing
240.460	Postponement
240.465	Dismissal Due to Non-Appearence
240.470	Rescheduling the Appeal Hearing
240.475	Recommendations of Hearing Officer
240.480	The Appeal Decision
240.485	Reviewing the Official Report of the Hearing

SUBPART E: APPLICATION

Section	
240.510	Application for Community Care Program
240.520	Who May Make Application
240.530	Date of Application
240.540	Statement to be Included on Application

SUBPART F: ELIGIBILITY

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240.600	Eligibility Requirements
240.610	Establishing Eligibility
240.620	Home Visit
240.630	Determination of Eligibility
240.640	Eligibility Decision
240.650	Continuous Eligibility
240.655	Frequency of Redeterminations
240.660	Extension of Time Limit

SUBPART G: NON-FINANCIAL REQUIREMENTS

Section	
240.710	Age
240.715	Determination of Need
EMERGENCY	
240.720	Clients Prior to Effective Date of this Section (Repealed)
240.725	Clients After Effective Date of this Section (Repealed)
240.726	Emergency Budget Act Reduction (Repealed)
240.727	Minimum Score Requirements
240.728	Maximum Payment Levels for Service
240.729	Maximum Payment Levels for Adult Day Care Service

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240.730	Plan of Care
240.735	Supplemental Information
240.740	Assessment of Need
240.750	Citizenship
240.755	Residence
250.760	Furnishing of Social Security Number
SUBPART H: FINANCIAL REQUIREMENTS	
Section	
240.800	Financial Factors
240.810	Assets
240.815	Exempt Assets
240.820	Asset Transfers
240.825	Income
240.830	Unearned Income Exemptions
240.835	Earned Income
240.840	Potential Retirement, Disability and Other Benefits
240.845	Family
240.850	Monthly Average Income
240.855	Applicant/Client Expense for Care
240.860	Change in Income
240.865	Application For Medical Assistance (Medicaid)
240.870	Determination of Applicant/Client Monthly Expense for Care
240.875	Client Responsibility
SUBPART I: DISPOSITION OF DETERMINATION	
Section	
240.905	Prohibition of Institutionalized Individuals From Receiving Community Care Program Services
240.910	Written Notification
240.915	Service Provision
240.920	Reasons for Denial
240.925	Frequency of Redeterminations (Renumbered)
240.930	Suspension of Services
240.935	Discontinuance of Services to Clients
240.940	Penalty Payments
240.945	Notification
240.950	Reasons for Termination
240.955	Reasons for Reduction or Change
SUBPART J: SPECIAL SERVICES	
Section	
240.1010	Nursing Home Prescreening
240.1020	Interim Services
240.1040	Intense Service Provision

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240.1050	Temporary Service Increase
SUBPART K: TRANSFERS	
Section	
240.1110	Individual Transfer Request - Vendor to Vendor - No Change in Service
240.1120	Individual Transfer Request - Vendor to Vendor - With Change in Service
240.1130	Individual Transfers - Case Coordination Unit to Case Coordination Unit
240.1140	Transfer of Pending Applications
240.1150	Interagency Transfers
240.1160	Temporary Transfers - Case Coordination Unit to Case Coordination Unit
240.1170	Caseload Transfer - Vendor to Vendor
240.1180	Caseload Transfer - Case Coordination Unit to Case Coordination Unit
SUBPART L: ADMINISTRATIVE SERVICE CONTRACT	
Section	
240.1210	Administrative Service Contract
SUBPART M: CASE COORDINATION UNITS AND VENDORS	
Section	
240.1310	Standard Contractual Requirements for Case Coordination Units and Vendors
240.1320	Vendor or Case Coordination Unit Fraud/Illegal or Criminal Acts
240.1330	General Vendor and CCU Responsibilities (Repealed)
240.1396	Payment for Services (Repealed)
240.1397	Purchases and Contracts (Repealed)
240.1398	Safeguarding Case Information (Repealed)
240.1399	Suspension/Termination of a Vendor or Case Coordination Unit (CCU)
SUBPART N: CASE COORDINATION UNITS	
Section	
240.1400	Community Care Program Case Management
240.1410	Case Coordination Unit Administrative Minimum Standards
240.1420	Case Coordination Unit Responsibilities
240.1430	Case Management Staff Positions, Qualifications and Responsibilities
240.1440	Training Requirements For Case Management Supervisors and Case Managers
SUBPART O: PROVIDERS	
Section	

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240.1510 Provider Administrative Minimum Standards
 240.1520 Provider Responsibilities
 240.1530 General Homemaker Staffing Requirements
 240.1535 Homemaker Staff Positions, Qualifications and Responsibilities
 240.1540 General Chore-Housekeeping Staffing Requirements (Repealed)
 240.1545 Chore-Housekeeping Staff Positions, Qualifications and Responsibilities (Repealed)
 240.1550 Standard Requirements for Adult Day Care Providers
 240.1555 General Adult Day Care Staffing Requirements
 240.1560 Adult Day Care Staff Qualifications
 240.1565 Adult Day Care Satellite Sites
 240.1570 Service Availability Expansion
 240.1575 Adult Day Care Site Relocation
 240.1580 Standards for Alternative Providers
 240.1590 Standard Requirements for Individual Provider Services

SUBPART P: PROVIDER PROCUREMENT

Section
 240.1600 Provider Contract
 240.1605 Procuring Provider Services
 240.1610 Procurement Cycle for Provider Services
 240.1620 Issuance of Provider Proposal and Guidelines
 240.1625 Content of Provider Proposal and Guidelines
 240.1630 Criteria for Number of Provider Contracts Awarded
 240.1635 Evaluation of Provider Proposals
 240.1640 Determination and Notification of Provider Awards
 240.1645 Objection to Procurement Action Determination
 240.1650 Classification of Provider Service Violations
 240.1655 Method of Identification of Provider Service Violations
 240.1660 Compliance Reviews of Contracted Provider Agencies
 240.1661 Provider Right to Appeal
 240.1665 Contract Actions for Failure to Comply with Community Care Program Requirements

SUBPART Q: CASE COORDINATION UNIT PROCUREMENT

Section
 240.1710 Procurement Cycle For Case Management Services
 240.1720 Case Coordination Unit Compliance Review

SUBPART R: ADVISORY COMMITTEE

Section
 240.1800 Community Care Program (CCP) Advisory Committee
 240.1850 Technical Rate Review Advisory Committee (Repealed)

SUBPART S: RATES

Section
 240.1910 Establishment of Fixed Unit Rates
 240.1920 Contract Specific Variations
 240.1930 Fixed Unit Rate of Reimbursement for Homemaker Service
 240.1940 Fixed Unit Rates of Reimbursement for Adult Day Care Service and Transportation
 240.1950 Adult Day Care Fixed Unit Reimbursement Rates
 240.1960 Case Management Fixed Unit Reimbursement Rates

SUBPART T: FINANCIAL REPORTING

Section
 240.2020 Financial Reporting of Homemaker Service
 240.2030 Unallowable Costs for Homemaker Service
 240.2040 Minimum Direct Service Worker Costs for Homemaker Service
 240.2050 Cost Categories for Homemaker Service

AUTHORITY: Implementing Section 4.02 and authorized by Section 4.01(1) of the Illinois Act on the Aging [20 ILCS 105/4.02 and 4.01(1)].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 1, p. 67, effective December 20, 1979, for a maximum of 150 days; adopted at 4 Ill. Reg. 17, p. 151, effective April 25, 1980; amended at 4 Ill. Reg. 43, p. 86, effective October 15, 1980; emergency amendments at 5 Ill. Reg. 1900, effective February 18, 1981, for a maximum of 150 days; amended at 5 Ill. Reg. 12090, effective October 26, 1981; emergency amendments at 6 Ill. Reg. 8455, effective July 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 14953, effective December 1, 1982; amended at 7 Ill. Reg. 8697, effective July 20, 1983; codified at 8 Ill. Reg. 2633; amended at 9 Ill. Reg. 1739, effective January 29, 1985; amended at 9 Ill. Reg. 10208, effective July 1, 1985; emergency amendments at 9 Ill. Reg. 14011, effective August 29, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 5076, effective March 15, 1986; recodified at 12 Ill. Reg. 7980; amended at 13 Ill. Reg. 11193, effective July 1, 1989; emergency amendments at 13 Ill. Reg. 13638, effective August 18, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17327, effective November 1, 1989; amended at 14 Ill. Reg. 1233, effective January 12, 1990; amended at 14 Ill. Reg. 10732, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 2838, effective February 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 10351, effective July 1, 1991; emergency amendments at 15 Ill. Reg. 14593, effective October 1, 1991 for a maximum of 150 days; emergency amendments at 15 Ill. Reg. 17398, effective November 15, 1991, for a maximum of 150 days; emergency amendments suspended at 16 Ill. Reg. 1744; emergency amendments modified and reinstated at 16 Ill. Reg. 2943; amended at 15 Ill. Reg. 18568, effective December 13, 1991; emergency amendments at 16 Ill. Reg. 2630, effective February 1, 1992, for a maximum of 150 days; emergency amendments at 16 Ill. Reg. 2901, effective February 6, 1992, to expire June 30, 1992; emergency amendments at 16 Ill. Reg. 4069, effective February 28, 1992, to expire June 30, 1992; amended at 16 Ill. Reg. 11403, effective June 30, 1992;

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emergency amendments at 16 Ill. Reg. 11625, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 11731, effective June 30, 1992; emergency rule added at 16 Ill. Reg. 12615, effective July 23, 1992, for a maximum of 150 days; modified at 16 Ill. Reg. 16680; amended at 16 Ill. Reg. 14565, effective September 8, 1992; amended at 16 Ill. Reg. 18767, effective November 27, 1992; amended at 17 Ill. Reg. 224, effective December 29, 1992; amended at 17 Ill. Reg. 6090, effective April 7, 1993; amended at 18 Ill. Reg. 609, effective February 1, 1994; emergency amendment at 18 Ill. Reg. 5348, effective March 22, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 13375, effective August 19, 1994; amended at 19 Ill. Reg. 9085, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10186, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. **12693**, effective August 25, 1995, for a maximum of 150 days.

SUBPART G: NON-FINANCIAL REQUIREMENTS

Section 240.715 Determination of Need

EMERGENCY

- a) To be eligible to receive Community Care Program (CCP) services, an individual shall exhibit a need for long-term care. The Determination of Need, a standardized form, specifies the factors which together determine the individual's need for long-term care.
- b) The need for long-term care is based upon the determined need for a continuum of in-home and community-based services to prevent inappropriate or premature placement in an institutional long term care facility.
- c) The extent and degree of an applicant's/client's need for long term care shall be determined on the basis of impaired cognitive and functional status as well as the available physical/environmental supports provided to the applicant/client by family, friends or others in the community.
- d) The Determination of Need consists of two parts:
 - 1) The Mini-Mental Status Examination (Folstein, Folstein and McHugh, 1975, no later editions or amendments included) measures cognitive functioning of the applicant/client.
 - A) The applicant/client who receives a score equal to or less than ten (10) points shall be considered to be cognitively intact and zero (0) points shall be added to the Part A, Level of Impairment, score on the Determination of Need-~~tBox~~ **P1**.
 - B) The applicant/client who receives a score of ~~11 eleven--t11t~~ or more or who has been diagnosed by a physician or psychiatrist as having dementia, Alzheimer's disease, or organic brain syndrome shall be considered to be cognitively impaired and ten (10) points shall be added to the Part A, Level of Impairment, score on the Determination of Need-~~tBox~~ **P1**.

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- C) Ten additional points shall be added to the Part A, Level of Impairment, score on the Determination of Need for the applicant/client who meets the following three criteria:
 - i) Applicant/client has been adjudicated disabled or incompetent by a Probate Court judge or judge assigned to render a decision on such matters in a court of competent jurisdiction; and
 - ii) a physician or psychiatrist licensed by the State of Illinois has certified that in his/her professional judgement the applicant/client suffers from Alzheimer's disease, organic brain syndrome, or dementia; and
 - iii) a physician or psychiatrist licensed by the State of Illinois has certified that in his/her professional judgement that the applicant/client requires 24-hour home and community-based services to remain in the home.
- 2) The Determination of Need measures the applicant's/client's ability to perform the following activities of daily living (ADLs) and instrumental activities of daily living (IADLs):
 - A) Activities of Daily Living
 - i) Eating
 - ii) Bathing
 - iii) Grooming
 - iv) Dressing
 - v) Transferring
 - vi) Incontinence
 - B) Instrumental Activities of Daily Living
 - i) Preparing meals
 - ii) Being alone ~~along~~
 - iii) Telephoning
 - iv) Managing Money
 - v) Routine ~~Routing~~ health
 - vi) Special health ~~Health~~
 - vii) Outside home
 - viii) Laundry
 - ix) Housework
- e) The Determination of Need scale includes the six (6) ADLs and nine (9) IADLs identified. Each function is scored in two parts: Part A - Level of Impairment, and Part B - Unmet Need for Care.
 - 1) Part A, Level of Impairment, of the Determination of Need measures the ability of the applicant/client to perform each ADL and IADL function. A scoring range of zero (0) through three (3) indicates the degree of impairment of the applicant/client in the performance of ADLs and IADLs.
 - A) A score of zero (0) for any function indicates that the applicant/client performs or can perform all essential components of the activity, with or without an existing

DEPARTMENT ON AGING

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assistive device, such that:

- i) no significant impairment of function remains; or
- ii) activity is not required by the applicant/client (routine health and special health only); or
- iii) the applicant/client may benefit from but does not require supervision or physical assistance.

B) A score of one ~~1~~ for any function indicates that the applicant/client performs or can perform most essential components of the activity, with or without an existing assistive device, but some impairment of function remains such that the applicant/client requires some supervision or physical assistance to accomplish some or all components of the activity. This includes the applicant/client who:

- i) experiences minor, intermittent fatigue in performing the activity; or
- ii) takes longer time to accomplish than an unimpaired person requires; or
- iii) must perform the activity more frequently than an unimpaired person.

C) A score of two ~~2~~ for any function indicates that the applicant/client cannot perform most of the essential components of the activity, even with an existing assistive device, and requires a great deal of assistance or supervision to accomplish the activity. This includes the applicant/client who:

- i) experiences frequent fatigue in performing the activity; or
- ii) takes an excessive amount of time to perform the activity; or
- iii) must perform the activity much more frequently than an unimpaired person.

D) A score of three ~~3~~ for any function indicates that the applicant/client cannot perform the activity and requires someone to perform the task, although the applicant/client may be able to assist in small ways, or requires constant supervision.

2) Part B, Unmet Need for Care, of the Determination of Need measures the need of the applicant/client for assistance/performance/supervision for each ADL and IADL function which is not being met by non-CCP resources in the community (e.g., family, friends, local services).

A) A score of zero ~~0~~ for any function indicates that there is no impairment, or that the applicant's/client's need for assistance is met to the extent that the applicant/client is at no risk to health or safety if additional assistance is not acquired, or that additional assistance will not benefit the applicant/client, or that the applicant's/client's needs are being met by non-CCP resources and, therefore, the

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applicant/client has no need for assistance.

- B) A score of one ~~1~~ for any function indicates that the applicant's/client's need for assistance is met most of the time, but the applicant's/client's health and safety are at minimal risk if additional assistance is not acquired.
- C) A score of two ~~2~~ for any function indicates that the applicant's/client's need for assistance is not met most of the time and the applicant's/client's health and safety are at moderate risk if additional assistance is not acquired.
- D) A score of three ~~3~~ for any function indicates that the applicant's/client's need for assistance is rarely, or never, met and the applicant's/client's health and safety are at severe risk, which would require acute medical intervention, if additional assistance is not acquired.

12693

(Source: Emergency amendment at 19 Ill. Reg. August 25, 1995, for a maximum of 150 days)

effective

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- 1) Heading of the Part: Food Stamps
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Numbers:
Emergency Action:
 121.160 Amendment
 121.162 Amendment
 121.182 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and P. A. 89-21.
- 5) Effective Date of Amendments: September 1, 1995
- 6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed in Agency's Principal Office: September 1, 1995
- 8) Reason for Emergency: This rulemaking is necessary to comply with provisions of Public Act 89-21 which require the Department to designate criteria for eligibility of local governmental units and clients to participate in the Earnfare program. These proposed amendments will establish Earnfare criteria in additional geographic areas of the State. Section 10-95 of Public Act 89-21 specifically allows the Department to implement the changes made by that amendatory Act through the use of Emergency Rulemaking.

- 9) Complete Description of the Subjects and Issues Involved: Pursuant to Public Act 89-21, these proposed amendments enable the Department to designate criteria for eligibility of local governmental units and clients to participate in the Earnfare program. This rulemaking establishes that adults who receive food stamps and who volunteer or are court ordered, unless exempt, will be required to participate in the Food Stamp Employment and Training Program. These individuals will be assigned to the Earnfare Component.

These proposed amendments also establish that local governmental units will be eligible to participate in the operation of the Earnfare program in the following priority order as resources permit:

1. Local governmental units that receive State funds; and
2. Local governmental units, that neither receive State funds nor are under a current contract with the Department, will be eligible to contract with the Department to administer Earnfare. The Department will reimburse client payment, transportation and up to 50% of

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allowable administrative staff costs. The Department will select non-receiving units to participate in the program from the applications received based on, but not limited to, the unemployment rate, percentage of the population receiving food stamps, outreach and recruitment plans, linkage with employers and connection to a court of competent jurisdiction to enable operation of the Non-custodial Parent/Earnfare Initiative.

- 10) Are there any Proposed Amendments pending to this Part? Yes

Section Number	Proposed Action	Illinois Register Citation
121.160	Amendment	June 16, 1995 (19 Ill. Reg. 7786)
121.162	Amendment	June 16, 1995 (19 Ill. Reg. 7786)
121.182	Amendment	June 16, 1995 (19 Ill. Reg. 7786)
121.184	Amendment	June 16, 1995 (19 Ill. Reg. 7786)

- 11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.

- 12) Information and questions regarding these Emergency Amendments shall be directed to:

Judy Umunna
 Bureau of Rules and Regulations
 Illinois Department of Public Aid
 100 South Grand Avenue East, Third Floor
 Springfield, IL 62762
 (217) 524-3215

The full text of the Emergency Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121
FOOD STAMPS

SUBPART A: APPLICATION PROCEDURES

SUBPART D: ELIGIBILITY STANDARDS

Section
121.1 Application for Assistance
121.2 Time Limitations on the Disposition of an Application
121.3 Approval of an Application and Initial Authorization of Assistance
121.4 Denial of an Application
121.5 Client Cooperation
121.6 Emergency Assistance
121.7 Expedited Services
121.10 Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section
121.19 Ending a Voluntary Quit Disqualification
121.20 Citizenship
121.21 Residence
121.22 Social Security Numbers
121.23 Work Registration/Participation Requirements (Repealed)
121.24 Individuals Exempt From Work Registration Requirements (Repealed)
121.25 Failure to Comply (Repealed)
121.26 Period of Disqualification (Repealed)
121.27 Voluntary Job Quit
121.28 Good Cause for Voluntary Job Quit
121.29 Exemptions from Voluntary Quit Rule

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section
121.30 Unearned Income
121.31 Exempt Unearned Income
121.32 Education Benefits
121.33 Unearned Income In-Kind
121.34 Lump Sum Payments and Income Tax Refunds
121.40 Earned Income
121.41 Budgeting Earned Income
121.50 Exempt Earned Income
121.51 Income from Work/Study/Training Programs
121.52 Earned Income from Roomer and Boarder

121.53 Income From Rental Property
121.54 Earned Income In-Kind
121.55 Sponsors of Aliens
121.57 Assets
121.58 Exempt Assets
121.59 Asset Disregards

Section
121.60 Net Monthly Income Eligibility Standards
121.61 Gross Monthly Income Eligibility Standards
121.62 Income Which Must Be Annualized
121.63 Deductions From Monthly Income
121.64 Coupon Allotment

SUBPART E: HOUSEHOLD CONCEPT

Section
121.70 Composition of the Assistance Unit
121.71 Living Arrangement
121.72 Nonhousehold Members
121.73 Ineligible Household Members
121.74 Strikers
121.75 Students
121.76 Households Receiving AFDC, SSI, Interim Assistance and/or Categorical Eligibility

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section
121.80 Fraud Disqualification (Renumbered)
121.81 Initiation of Administrative Fraud Hearing (Repealed)
121.82 Definition of Fraud (Renumbered)
121.83 Notification To Applicant Households (Renumbered)
121.84 Disqualification Upon Finding of Fraud (Renumbered)
121.85 Court Imposed Disqualification (Renumbered)
121.90 Monthly Reporting and Retrospective Budgeting
121.91 Monthly Reporting
121.92 Retrospective Budgeting
121.93 Direct Mail Issuance of Food Stamp Coupons
121.94 Replacement of Food Stamp Coupons
121.95 Restoration of Lost Benefits
121.96 Uses For Food Coupons
121.97 Supplemental Payments
121.98 Food Stamp Simplified Application Demonstration Project (Repealed)
121.120 Recertification of Eligibility
121.130 Residents of Shelters for Battered Women and their Children

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Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 3, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7449, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 17266, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985;

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121.135 Incorporation By Reference
121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section
121.150 Definition of Intentional Violations of the Program
121.151 Penalties for Intentional Violations of the Program
121.152 Notification To Applicant Households
121.153 Disqualification Upon Finding of Intentional Violation of the Program
121.154 Court Imposed Disqualification

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section
121.160 Persons Required to Participate
121.162 Participation and Cooperation Requirements
121.164 Orientation
121.166 Assessment and Employability Plan
121.170 Job Search Component
121.172 Basic Education Component
121.174 Job Readiness Component
121.176 Work Experience Component
121.178 Job Training Component
121.180 Grant Diversion Component
121.182 Earnfare Component

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121.184 Sanctions
121.186 Good Cause for Failure to Cooperate
121.188 Supportive Services
121.190 Conciliation and Fair Hearings
121.200 Types of Claims (Recodified)
121.201 Establishing a Claim for Intentional Violation of the Program (Recodified)
121.202 Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)
121.203 Collecting Claim Against Households (Recodified)
121.204 Failure to Respond to Initial Demand Letter (Recodified)
121.205 Methods of Repayment of Food Stamp Claims (Recodified)
121.206 Determination of Monthly Allotment Reductions (Recodified)
121.207 Failure to Make Payment in Accordance with Repayment Schedule (Recodified)
121.208 Suspension and Termination of Claims (Recodified)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by

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peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 1, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum 150 days; peremptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21,

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1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. **12705**, effective September 1, 1995, for a maximum of 150 days.

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section 121.160 Persons Required to Participate

EMERGENCY

a) All individuals receiving food stamps who are not exempt will be required to participate in the Food Stamp Employment and Training program, to the extent resources are available. This includes, in priority order:

1) Adults who receive food stamps and who volunteer or are court ordered. ~~Individuals who meet the eligibility requirements for transitional assistance but who are not employable. These individuals may volunteer for benefit or may, if resources are available, these individuals may be required to participate in other Food Stamp Employment and Training activities;~~

2) Recipients of Transitional Assistance;

3) Nonexempt clients receiving Family and Children Assistance may be required to participate in the Food Stamp Employment and Training program. See 89 Ill. Adm. Code 112.70 through 112.76 for requirements for these clients; and

4) All other nonexempt food stamp recipients not receiving AFDC or Refugee Assistance.

b) Those individuals exempt from the Food Stamp Employment and Training program are (however, individuals may volunteer to participate):

1) Individuals age 55 or over;

2) Persons who are participating in a substance abuse treatment program or who are on a waiting list for such a program;

3) Individuals who are homeless. Homeless in this instance is someone who has no current address and no expectation of acquiring a residence in the next 30 days. It excludes individuals living with friends or relatives on a continuous basis. It includes individuals in overnight transitional shelters. Under this category of exemption, if the individual remains homeless after 12 months, the individual is deemed no longer exempt from program participation, unless exempt under a different category;

4) Individuals who are chronically ill, as determined by a physician or licensed/certified psychologist who finds that a physical or mental impairment, either by itself or in conjunction with age or other factors, prevents the person from engaging in employment or

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- participating in the Food Stamp Employment and Training Program;
- 5) Persons who are temporarily ill, for the medically documented period of the illness;
 - 6) Individuals who have another household member who requires the full-time care of the individual;
 - 7) Individuals who are under 16 years of age;
 - 8) Individuals age 16 or 17 who are not the head of a household or who are attending school or are enrolled in a training program on at least a half time basis;
 - 9) Students enrolled at least half time in any recognized school, training program, or institution of higher education; provided that students enrolled at least half time in an institution of higher education have met the eligibility conditions as defined at 7 CFR 273.5. A student enrolled in a school, training program or institution of higher education shall remain exempt during normal periods of class attendance, vacation and recess, unless the student graduates, is suspended or expelled, drops out, or does not intend to register for the next normal school term (excluding summer);
 - 10) Individuals who are employed or self-employed and working a minimum of 30 hours per week or receives earnings equal to or greater than 30 times the Federal Minimum Wage;
 - 11) Individuals receiving unemployment insurance or individuals who have applied for unemployment insurance if the person was required to register for work with Job Service as part of the unemployment compensation application process; and
 - 12) Persons who are full-time VISTA volunteers under Title I of the 1973 Domestic Volunteer Services Act (42 U.S.C. 4951 et seq.) who were recipients of public assistance under Article VI of the Illinois Public Aid Code (305 ILCS 5/Art. VI) when they joined VISTA, or are full-time volunteers under Title II of the Act (15 U.S.C. 637 et seq.), which includes foster grandparents, senior health aides, senior companions, or persons serving in the Senior Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE).

(Source: Emergency amendment at 19 Ill. Reg. **12705**, effective September 1, 1995, for a maximum of 150 days)

Section 121.162 Participation and Cooperation Requirements

EMERGENCY

- a) To the extent resources allow, the Department shall establish employment, education and training programs for food stamp recipients in the Food Stamp Employment and Training program. All Food Stamp Assistance recipients not exempt under Section 121.160(b) may be required to participate and cooperate in the Food Stamp Employment and Training program to the extent resources allow. The individual will

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be given the participation requirements in writing for each component to which the individual is assigned. These components include:

- 1) Basic Education (see Section 121.172);
 - 2) Job Training (see Section 121.178);
 - 3) Job Search (see Section 121.170);
 - 4) Work Experience (see Section 121.176);
 - 5) Job Readiness (see Section 121.174);
 - 6) Grant Diversion (see Section 121.180); and
 - 7) Earnfare (see Section 121.182), which is limited to adults who receive food stamps and who volunteer or are court ordered to participate ~~employable-individuals-who-are-otherwise-eligible-for-transitional-Assistance-and-who-volunteer-for-the-Earnfare component.~~
- b) The individual may be required to participate in such employment and training programs for up to five days per week and 30 hours per week, up to a maximum of 120 hours per month.
 - c) An individual is required to participate in the Food Stamp Employment and Training program by:
 - 1) Cooperating with the Food Stamp Employment and Training program. Cooperation with the Food Stamp Employment and Training program is defined as providing information on the individual's background, education level, and work history as well as factors affecting employability or ability to meet participation requirements (including health, physical or mental limitations, family problems, and any other related factors), appearing for scheduled meetings, and complying with the requirements of the Food Stamp Employment and Training program components identified in Sections 121.170 through 121.182.
 - 2) Job Contacts in Job Search. Individuals are required to make 20 acceptable employer contacts in every 30 calendar days while in the Job Search component.
 - A) Ten of the 20 required contacts must be either:
 - i) the completion and return of an application; or
 - ii) a face-to-face interview with an employer.
 - B) The remaining ten contacts may be any combination of the following:
 - i) the completion and return of an application;
 - ii) a face-to-face interview with an employer;
 - iii) the completion of a civil service test required for employment with the State, Local, or Federal Government;
 - iv) the completion of a Job Service screening test;
 - v) the mailing of a resume with a covering letter to an employer;
 - vi) for union members in good standing, reporting to the union hall;
 - vii) reporting to a day labor hall; or
 - viii) reporting for temporary office service.

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- C) Acceptable contacts are documented by written statements provided to the Food Stamp Employment and Training worker by the individual. The Food Stamp Employment and Training worker may verify the job contacts by contacting the employer.
- D) No individual shall be sanctioned and/or have Food Stamps disqualified for failure to make the appropriate number of job contacts if the individual has made a good faith effort to make the job contacts. Whether an individual has made a good faith effort to make the required number and types of contacts is based on all the facts and circumstances of each case. Good faith effort exists when circumstances beyond the control of the individual prevent the individual from making the required number of contacts. Good faith effort may include, but is not limited to the following:
- i) the individual appears for a scheduled interview and the employer misses the appointment;
 - ii) the individual has fewer than 20 contacts and/or fewer than ten interviews or applications, but came reasonably close to the required numbers in an effort to find work;
 - iii) the individual fails a civil service or other employment screening test;
 - iv) the individual completes an application which is not accepted by the employer; and
 - v) the individual's job search performance indicates that the individual should be in a different Food Stamp Employment and Training component or in a rehabilitation program or should be evaluated by the Client Assessment Unit as potentially eligible for SSI.
- 3) Responding to a job referral of suitable employment (such as, a written statement referring a mandatory registrant to an employer for a specific position).
- 4) Accepting a bona fide offer of suitable employment. An individual must be given the opportunity to explain why an offer of employment was not accepted.
- A) A bona fide offer of suitable employment is where there was a definite offer of employment substantiated by confirmation from the prospective employer at wages meeting any applicable minimum wage requirements and which are customary for such work in the community, based on information obtained from the Department of Employment Security; and
- B) Suitable employment must meet the following requirements:
- i) there are no questions as to the mandatory registrant's inability to engage in such employment for medical reasons or because he has no way to get to or from the particular job;

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- ii) there are no questions of working conditions, such as risks to health, safety, or lack of worker's compensation protection;
 - iii) wages offered must be at least the Federal minimum wage, the State minimum wage, or \$4.25 per hour (if neither the Federal nor State minimum wage is applicable);
 - iv) if the wages are offered on a piece-rate basis, the amount the individual can reasonably be expected to earn must equal the wages as outlined in subsection (c)(4)(B)(iii) of this Section;
 - v) the mandatory registrant may not be required, as a condition of employment, to join, resign from, or refrain from joining any legitimate labor organization;
 - vi) there is no unreasonable degree of risk to the mandatory registrant's health and safety; and
 - vii) the mandatory registrant is physically and mentally competent to perform the work.
- 5) Registering and appearing for any subsequent interviews at the Department of Employment Security's Job Service offices.
- d) Food Stamp Employment and Training participants who are employed must:
- 1) Continue their employment; and
 - 2) Not reduce their employment (for example, voluntarily reducing work hours).
- e) Failure to participate or cooperate with the Food Stamp Employment and Training requirements listed in this Section will result in a food stamp disqualification and/or financial sanction as outlined in Section 121.184.
- (Source: Emergency amendment at 19 Ill. Reg. September 1, 1995, for a maximum of 150 days)
- Section 121.182 Earnfare Component**
- EMERGENCY**
- a) Assignment to the Earnfare Component is limited to adults who receive food stamps and who volunteer or are court ordered food-stamp individuals who are initially otherwise eligible for transitional Assistance and who are employable and volunteer to participate in Earnfare.
 - b) Eligibility Criteria
 - 1) Eligibility for the Earnfare Component shall be limited to six months out of any 12 consecutive month period.
 - 2) Individuals are not entitled to be placed in an Earnfare slot. Earnfare slots shall be made available only as resources permit.
 - 3) To the extent resources permit, the Earnfare program will allow individuals to work for monthly payments and to improve their

12705, effective

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employability in order to succeed in obtaining employment.

- c) Administration and Contracts
 - 1) The Illinois Department shall administer the Earnfare program in Chicago.
 - 2) The Illinois Department may enter into cooperative agreements with local governmental units in selected geographic areas which ~~that receive State funds and~~ want to participate in the operation of the Earnfare program outside the City of Chicago. The Department shall establish the policies and procedures for the program and monitor Earnfare programs in local governmental units. Local governmental units will be eligible to participate in the operation of an Earnfare program in the following priority order as resources permit:
 - A) Local governmental units that receive State funds.
 - B) Local governmental units, that neither receive State funds nor are under a current contract with the Department, will be eligible to contract with the Department to administer Earnfare. The Department will reimburse client payment, transportation and up to 50% of allowable administrative staff costs. The Department will select non-receiving units to participate in the program from the applications received based on, but not limited to, the unemployment rate, percentage of the population receiving food stamps, outreach and recruitment plans, linkage with employers and connection to a court of competent jurisdiction to enable operation of the Non-custodial Parent/Earnfare Initiative.
 - 3) The Illinois Department may enter into contracts with other public agencies including State agencies, local governmental units, and not-for-profit community based organizations to help develop Earnfare opportunities and otherwise administer the program.
 - 4) The Illinois Department may enter into contracts with community based organizations as comprehensive providers to administer and operate Earnfare in the City of Chicago.
 - 5) The Illinois Department shall provide Worker's Compensation coverage for each individual assigned to Earnfare.
- d) Notification and Referrals
 - 1) In areas where an Earnfare program is operating, when the Illinois Department of the local governmental unit learns that individuals are in the following categories, it shall inform them in writing and, whenever possible, orally of the existence of Earnfare and the method for requesting an Earnfare referral.
 - A) Households approved or certified for non-assistance food stamps which do not have net food stamp income in excess of \$154.00 per month;
 - B) All persons denied or terminated from State Transitional Assistance because they are employable; and
 - C) All Earnfare participants shall be given a written notice at

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

the time they leave the Earnfare program specifying when they will re-qualify.

- 2) The Illinois Department, comprehensive providers and participating downstate units shall make referrals to the Earnfare program as follows:
 - A) Any person may request a referral.
 - B) Within 30 days after a request for the Earnfare program
 - i) persons who do not qualify for the Earnfare program shall be given or sent a notice informing them that they do not qualify and will not receive a referral;
 - ii) persons who request a referral and who qualify for the Earnfare program shall be provided with a written document that acknowledges the request and informs the individual that he/she is qualified.
 - 3) Within 30 days after notice of eligibility, individuals shall be assessed and referred to appropriate Earnfare slots, if slots are available.
 - e) For the purposes of Earnfare, a "suitable" Earnfare slot must meet the following requirements:
 - 1) there are no questions as to the individual's ability to engage in such employment for medical reasons or because the individual has no way to get to or from the particular job;
 - 2) there are no questions of working conditions, such as risks to health, safety, or lack of worker's compensation protection;
 - 3) the individual may not be required, as a condition of employment, to join, resign from, or refrain from joining any legitimate labor organization;
 - 4) there is no unreasonable degree of risk to the individual's health and safety; and
 - 5) the individual is physically and mentally competent to perform the work.
 - f) Individuals participating in Earnfare shall not displace or substitute for regular, full-time or part-time employees, regardless of whether the employee is currently working, on a leave of absence, or in a position or similar position where a layoff has taken place or the employer has terminated the employment of any regular employee or otherwise reduced its work force with the effect of filling the vacancy so created with an individual subsidized under this program, or is or has been involved in a labor dispute between a labor organization and the sponsor.
 - g) Entry into the Component
 - 1) Individuals shall be referred to suitable Earnfare slots with local governmental units, not-for-profit community based and local organizations, other public agencies, including State agencies, and with private employers.
 - 2) To the extent appropriate slots are available, individuals will be referred to suitable Earnfare activities based on an assessment of the individual's age, literacy, education,

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

educational achievement, job training, work experience, and recent institutionalization, whenever these factors are known and are relevant to the individual's success in carrying out the assigned activities and in ultimately obtaining employment. The Department or the participating local governmental unit shall discuss with the individual available Earnfare assignments, together with any restrictions and qualifications the Earnfare employers have specified for the assignments. The individual's personal preferences for available Earnfare assignments and the individual's employment goals shall be ascertained and considered in making the Earnfare referral.

- 3) The Department, comprehensive providers and local governmental units shall maintain up-to-date public listings by area of Earnfare employers and current information regarding openings in those projects. These listings and the information shall be available to the public, in writing or by phone, during regular business hours.

h) Payments

- 1) Individuals participating in Earnfare shall engage in work equal to the amount of the food stamp benefits divided by the federal minimum wage and subsequently shall receive payment for each additional hour of performance in Earnfare activity, up to a maximum of \$231.00 per month. An individual is considered to have participated in Earnfare in any month he or she earns a payment. Individuals will be assigned hours of Earnfare based upon their initial food stamp authorization amount. An individual living in a multi-person food stamp household shall be deemed to be receiving a per capita share of the household's food stamp allotment, for purposes of calculating the Earnfare hours. During an individual's Earnfare participation the Department or the local governmental unit shall alter the Earnfare hours each time the individual's monthly food stamp benefit changes by at least \$20.00, effective the same month as the change in the food stamp benefit. Individuals and contractors will be notified by the Department or the local governmental unit of the number of hours of work to be performed by an individual in Earnfare.
- 2) Individuals remain financially eligible for Earnfare and Earnfare job search activity so long as they receive food stamps.
- 3) The Department may pay participants directly or may contract for the Earnfare employer to pay the individual. Payments shall be made no less frequently than monthly. Individuals shall be paid only for the hours they have actually worked in excess of the food stamp hours of work obligation.
- 4) Individuals shall be credited with hours of work that the Earnfare employer certifies them to have completed, according to criteria set forth in the contract with the Illinois Department, comprehensive providers or the local governmental unit. The Department, comprehensive providers or the local governmental

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

unit staff shall attempt to resolve disputes between the Earnfare employer and the individual when there is disagreement over the number of hours worked. If the dispute cannot be resolved, the individual may utilize the Illinois Department's appeal process. The Illinois Department or the provider shall, in advance, provide individuals participating in Earnfare who need transportation with the cost of transportation in getting to and from the Earnfare site and to Earnfare participants who are not in the job search component for specific job interviews arranged by their Earnfare employer. Individuals obtaining unsubsidized employment while participating in Earnfare may be eligible for initial employment expenses as stated in Section 121.188.

- 6) Participants in the Earnfare job search activity are eligible for employer contact related expenses not to exceed \$20.00 every 30 days for a maximum of two months in a 12 consecutive month period.
- 7) The Illinois Department will provide necessary clothing to enable participants to report to their Earnfare job site. Participants will be required to submit a written request for clothing needed.

i) Participation Requirements

- 1) Individuals may volunteer to participate in Earnfare and participation shall be limited to only six months out of any 12 consecutive month period. Individuals participating in Earnfare shall engage in work equal to the amount of the food stamp benefits divided by the federal minimum wage and subsequently shall earn minimum wage assistance for each additional hour of work up to a maximum of \$231.00 per month. Individuals participating in Earnfare first work the number of hours equal to food stamp benefits and subsequently earn financial assistance benefits.
- 2) Individuals are required to report as scheduled and on time to their Earnfare employer when notified of a referral. When they cannot report to their Earnfare assignment or if they will be late, they are to immediately notify their Earnfare employer. If the individual demonstrates an inability to sustain the work that has been assigned and the Earnfare assignment was appropriate to the individual's abilities, the Illinois Department shall re-assess the individual and if appropriate shall refer the person to apply for Transitional Assistance or ~~Interim Assistance~~ and federal SSI benefits.
- 4) An individual may be dismissed by the employer from an Earnfare assignment prior to its completion. The Department, comprehensive providers or local governmental unit shall return an individual dismissed by an employer to the client pool. An individual dismissed by an employer shall be treated as a new program entrant for the purpose of Earnfare assignments. A dismissal from an Earnfare assignment shall not cause a food stamp sanction.

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

- 5) During Earnfare assignment, individuals are required to accept bona fide offers of suitable employment pursuant to Section 121.162(c)(4).
- 6) During the Earnfare assignment participants are required to apply for suitable jobs for which the provider makes a referral.
- 7) Earnfare clients may participate in a voluntary job search activity as resources permit. There are no sanctions for failure to comply. Earnfare clients may participate for two months in a 12 consecutive month period, either concurrently or following the six month eligibility period for Earnfare. Clients are required to make a minimum of 20 employer contacts each month while in the Earnfare job search activity.

(Source: Emergency amendment at 19 Ill. Reg. 12705 effective September 1, 1995, for a maximum of 150 days)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:00 A.M.
SEPTEMBER 12, 1995

NOTICES: Due to Register submittal deadlines, the Agenda below is incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting.

It is the policy of the Committee to allow only representatives of state agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

Joint Committee on Administrative Rules
700 Stratton Building
Springfield, Illinois 62706

RULEMAKINGS SCHEDULED FOR JCAR REVIEW

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGS

Attorney General

1. Franchise Disclosure Act (14 Ill Adm Code 200)
-First Notice Published: 19 Ill Reg 7647 - 6/16/95
-Expiration of Second Notice Period: 10/5/95

Capital Development Board

2. Repeal of Prequalification and Suspension of Contractors (44 Ill Adm Code 950)
-First Notice Published: 19 Ill Reg 2087 - 2/24/95
-Expiration of Second Notice Period: 10/11/95
3. Bidder Responsibility, Prequalification and Suspension of Contractors (44 Ill Adm Code 950)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

- First Notice Published: 19 Ill Reg 2074 - 2/24/95
- Expiration of Second Notice Period: 10/11/95

Commerce Commission

4. Purchased Gas Adjustment Clause (83 Ill Adm Code 525)
 - First Notice Published: 18 Ill Reg 15478 - 10/21/94
 - Expiration of Second Notice Period: 10/7/95
5. Repeal of Uniform Purchased Gas Adjustment Clause (83 Ill Adm Code 525)
 - First Notice Published: 18 Ill Reg 15484 - 10/21/94
 - Expiration of Second Notice Period: 10/7/95
6. Prescription (83 Ill Adm Code 773)
 - First Notice Published: 19 Ill Reg 6737 - 5/19/95
 - Expiration of Second Notice Period: 10/11/95
7. Interconnection (83 Ill Adm Code 790)
 - First Notice Published: 19 Ill Reg 6727 - 5/19/95
 - Expiration of Second Notice Period: 10/11/95
8. Grade Crossing Closure and Opening (92 Ill Adm Code 1536)
 - First Notice Published: 19 Ill Reg 2550 - 3/10/95
 - Expiration of Second Notice Period: 10/1/95

Commerce and Community Affairs

9. Industrial Training Program (56 Ill Adm Code 2650)
 - First Notice Published: 19 Ill Reg 8827 - 7/7/95
 - Expiration of Second Notice Period: 10/7/95

Board of Examiners

10. Certificate of Certified Public Accountant (23 Ill Adm Code 1400)
 - First Notice Published: 19 Ill Reg 8572 - 6/30/95
 - Expiration of Second Notice Period: 9/27/95

Insurance

11. Traditional Long-Term Care Insurance (50 Ill Adm Code 2012)
 - First Notice Published: 19 Ill Reg 7291 - 6/2/95
 - Expiration of Second Notice Period: 10/1/95

Pollution Control Board

12. Solid Waste Disposal: General Provisions (35 Ill Adm Code 810)
 - First Notice Published: 19 Ill Reg 7502 - 6/9/95

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

- Expiration of Second Notice Period: 10/11/95

Professional Regulation

13. The Illinois Nursing Act of 1987 (68 Ill Adm Code 1300)
 - First Notice Published: 19 Ill Reg 2658 - 3/10/95
 - Expiration of Second Notice Period: 10/1/95

Public Aid

14. Application Process (89 Ill Adm Code 110)
 - First Notice Published: 19 Ill Reg 8060 - 6/23/95
 - Expiration of Second Notice Period: 10/4/95
15. Aid to the Aged, Blind or Disabled (89 Ill Adm Code 113)
 - First Notice Published: 19 Ill Reg 8057 - 6/23/95
 - Expiration of Second Notice Period: 10/4/95

16. General Assistance (89 Ill Adm Code 114)
 - First Notice Published: 19 Ill Reg 8063 - 6/23/95
 - Expiration of Second Notice Period: 10/4/95

17. Medical Assistance Programs (89 Ill Adm Code 120)
 - First Notice Published: 19 Ill Reg 6770 - 5/19/95
 - Expiration of Second Notice Period: 9/27/95

18. Medical Payment (89 Ill Adm Code 140)
 - First Notice Published: 19 Ill Reg 5397 - 4/14/95
 - Expiration of Second Notice Period: 9/20/95

19. Medical Payment (89 Ill Adm Code 140)
 - First Notice Published: 19 Ill Reg 7806 - 6/16/95
 - Expiration of Second Notice Period: 10/11/95

Public Health

20. Allied Health Care Professional Assistance Law (77 Ill Adm Code 598)
 - First Notice Published: 19 Ill Reg 5938 - 4/21/95
 - Expiration of Second Notice Period: 10/11/95

21. Newborn Metabolic Screening and Treatment Code (77 Ill Adm Code 661)
 - First Notice Published: 19 Ill Reg 8526 - 6/30/95
 - Expiration of Second Notice Period: 10/11/95

22. College Immunization Code (77 Ill Adm Code 694)
 - First Notice Published: 19 Ill Reg 1219 - 2/10/95
 - Expiration of Second Notice Period: 10/11/95

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

Racing Board

23. Interstate Common Pools (11 Ill Adm Code 302)
-First Notice Published: 19 Ill Reg 8542 - 6/30/95
-Expiration of Second Notice Period: 9/27/95
24. Place Pick (n) Pools (11 Ill Adm Code 312)
-First Notice Published: 19 Ill Reg 8553 - 6/30/95
-Expiration of Second Notice Period: 9/27/95
25. Medication (11 Ill Adm Code 509)
-First Notice Published: 19 Ill Reg 8546 - 6/30/95
-Expiration of Second Notice Period: 9/27/95

26. Claiming Races (11 Ill Adm Code 510)
-First Notice Published: 19 Ill Reg 8536 - 6/30/95
-Expiration of Second Notice Period: 9/27/95
27. Identification of Horses (11 Ill Adm Code 1307)
-First Notice Published: 19 Ill Reg 8540 - 6/30/95
-Expiration of Second Notice Period: 9/27/95

Rehabilitation Services

- Assessment for Determining Eligibility and Rehabilitation Needs (89 Ill Adm Code 553)
-First Notice Published: 19 Ill Reg 7305 - 6/2/95
-Expiration of Second Notice Period: 9/28/95

Transportation

29. Rates to be Charged by Official Testing Stations for School Buses (92 Ill Adm Code 446)
-First Notice Published: 19 Ill Reg 7829 - 6/16/95
-Expiration of Second Notice Period: 10/1/95

EMERGENCY RULEMAKINGSCentral Management Services

30. Pay Plan (80 Ill Adm Code 310) (Emergency)
-Notice Published: 19 Ill Reg 11954 - 8/18/95

Children and Family Services

31. Appeal of Foster Family Home License Denial By Relative Caregiver (89 Ill Adm Code 338) (Emergency)
-Notice Published: 19 Ill Reg 12305 - 8/25/95

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

Conservation

32. Designation of Restricted Waters in the State of Illinois (17 Ill Adm Code 2030) (Emergency)
-Notice Published: 19 Ill Reg 11967 - 8/18/95

Elections

33. Registration of Voters for Federal Elections Only (26 Ill Adm Code 215) (Emergency)
-Notice Published: 19 Ill Reg 11971 - 8/18/95

Public Aid

34. Rights and Responsibilities (89 Ill Adm Code 102) (Emergency)
-Notice Published: 19 Ill Reg 12320 - 8/25/95
35. Aid to Families with Dependent Children (89 Ill Adm Code 112) (Emergency)
-Notice Published: 19 Ill Reg 12011 - 8/18/95

Public Health

36. Tanning Facilities Code (77 Ill Adm Code 795) (Emergency)
-Notice Published: 19 Ill Reg 11648 - 8/11/95

Savings and Residential Finance

37. Real Estate License Act of 1983 (68 Ill Adm Code 1450) (Emergency)
-Notice Published: 19 Ill Reg 12003 - 8/18/95

38. Real Estate Appraiser Certification (68 Ill Adm Code 1455) (Emergency)
-Notice Published: 19 Ill Reg 12503 - 9/1/95

AGENCY RESPONSESAlcoholism and Substance Abuse

39. Subacute Alcoholism and Substance Abuse Treatment Services (77 Ill Adm Code 2090)
-First Published: 19 Ill Reg 1156 - 2/10/95
-Recommendation Date: 5/23/95
-Response: Agreement

Public Aid

40. Demonstration Programs (89 Ill Adm Code 170)
-First Published: 19 Ill Reg 530 - 1/20/95
-Recommendation Date: 5/23/95

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

-Response: Agreement

EXEMPT RULEMAKINGPollution Control Board

41. Standards for New Solid Waste Landfills (35 Ill Adm Code 811)

-Proposed Date: 5/19/95

-Adopted Date: 8/25/95

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of August 22, 1995 through August 28, 1995 and have been scheduled for review by the Committee at its September 12, 1995 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
10/5/95	Office of the Attorney General, Franchise Disclosure Act (14 Ill Adm Code 200)	6/16/95 19 Ill Reg 7647	9/12/95
10/7/95	Department of Commerce and Community Affairs, Industrial Training Program (56 Ill Adm Code 2650)	7/7/95 19 Ill Reg 8827	9/12/95
10/7/95	Illinois Commerce Commission, Purchased Gas Adjustment Clause (83 Ill Adm Code 525)	10/21/94 18 Ill Reg 15478	9/12/95
10/7/95	Illinois Commerce Commission, Repeal of Uniform Purchased Gas Adjustment Clause (83 Ill Adm Code 525)	10/21/94 18 Ill Reg 15484	9/12/95
10/11/95	Illinois Commerce Commission, Presubscription (83 Ill Adm Code 773)	5/19/95 19 Ill Reg 6737	9/12/95
10/11/95	Illinois Commerce Commission, Interconnection (83 Ill Adm Code 790)	5/19/95 19 Ill Reg 6727	9/12/95
10/11/95	Department of Public Aid, Medical Payment (89 Ill Adm Code 140)	6/16/95 19 Ill Reg 7806	9/12/95
10/11/95	Capital Development Board, Repeal of Prequalification and Suspension of Contractors (44 Ill Adm Code 950)	2/24/95 19 Ill Reg 2087	9/12/95

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

10/11/95	Capital Development Board, Bidder Responsibility, Prequalification and Suspension of Contractors (44 Ill Adm Code 950)	2/24/95 19 Ill Reg 2074	9/12/95
10/11/95	Pollution Control Board, Solid Waste Disposal: General Provisions (35 Ill Adm Code 810)	6/9/95 19 Ill Reg 7502	9/12/95
10/11/95	Department of Public Health, College Immunization Code (77 Ill Adm Code 694)	2/10/95 19 Ill Reg 1219	9/12/95
10/11/95	Department of Public Health, Allied Health Care Professional Assistance Law (77 Ill Adm Code 598)	4/21/95 19 Ill Reg 5938	9/12/95
10/11/95	Department of Public Health, Newborn Metabolic Screening and Treatment Code (77 Ill Adm Code 661)	6/30/95 19 Ill Reg 8526	9/12/95

PROCLAMATIONS

95-411
5 A-DAY WEEK

Whereas, the prevention of cancer and heart disease are two of the most urgent health challenges of our day, with heart disease being the Number 1 killer in Illinois and cancer being the Number 2 killer in Illinois; and

Whereas, the Illinois Department of Public Health recommends that people should reduce their intake of fats and increase their consumption of high-fiber foods, such as fruits and vegetables, as part of their diet to help reduce their risk of cancer and heart disease; and

Whereas, the average Illinoisan eats only 3.5 servings of fruit and vegetables a day; and

Whereas, the National Cancer Institute has launched the "5-a-Day for Better Health" national disease prevention and health promotion program to inform all Americans to eat five or more servings of fruit and vegetables a day for better health; and

Whereas, the Illinois Department of Public Health supports the 5-a-day goal;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 10-16, 1995, as 5-A-DAY WEEK in Illinois and encourage all citizens to take the 5-a-day challenge and eat more fruits and vegetables.

Issued by the Governor August 11, 1995.

Filed by the Secretary of State August 25, 1995.

95-412

ARCHAEOLOGY AWARENESS WEEK

Whereas, Illinois' rich archaeological heritage is characterized by a degree of cultural diversity equal to any in North America; and

Whereas, preservation of archaeological sites provides significant educational, cultural, and economic benefits to all citizens; and

Whereas, knowledge and awareness of Illinois' past is essential for the preservation and protection of our state's unique archaeological resources. Many Illinoisans volunteer their time and efforts to preserve and protect those resources; and

Whereas, the Illinois archaeological organizations have joined a partnership with federal and state agencies and private citizens to enhance public awareness of Illinois' rich cultural heritage; and

Whereas, Illinois Archaeology Awareness Week gives our citizens an opportunity to learn more about Illinois archaeology and the preservation of information about our irreplaceable heritage;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 18-24, 1995, as ARCHAEOLOGY AWARENESS WEEK in Illinois.

Issued by the Governor August 14, 1995.

Filed by the Secretary of State August 25, 1995.

95-413

ASSOCIATIONS ADVANCE ILLINOIS WEEK

Whereas, hundreds of non-profit professional, trade, and

community-oriented service organizations representing thousands of Illinoisans and Illinois firms operate in the State of Illinois; and

Whereas, almost every citizen of Illinois is involved with or affected by such organizations; and

Whereas, the Illinois Society of Association Executives' members have a direct impact on the economy of the State of Illinois; and

Whereas, these organizations benefit their members and constituents through education, public information, group benefits, and the pursuit of common goals; and

Whereas, associations play a vital role in Illinois society by setting industry and professional standards, maintaining codes of ethics, and by aiding local communities through volunteering and charitable contributions;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 22-28, 1995, as ASSOCIATIONS ADVANCE ILLINOIS WEEK in Illinois.

Issued by the Governor August 14, 1995.

Filed by the Secretary of State August 25, 1995.

95-414

CHIROPRACTIC CENTENNIAL MONTH

Whereas, the chiropractic profession was founded on September 18, 1895, in Davenport, Iowa, by Daniel David Palmer; and

Whereas, in 1899, the State of Illinois passed a healing arts professions regulatory act recognizing physicians who practice without the use of drugs, medicines, and operative surgery, and became the first state to provide licensure for chiropractic physicians; and

Whereas, on May 24, 1904, the State of Illinois issued its first certificate to Illinois resident Dr. Minora C. Paxson. With that action, Illinois became the first in the world to issue a license to a chiropractor and to a woman; and

Whereas, chiropractic health care is currently practiced throughout the world, which includes 50,000 chiropractic physicians in the United States; and

Whereas, each year, millions of Americans choose chiropractic health care for the restoration and maintenance of their health; and

Whereas, this year marks the 100th anniversary of the founding of the chiropractic profession;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 1995 as CHIROPRACTIC CENTENNIAL MONTH in Illinois.

Issued by the Governor August 14, 1995.

Filed by the Secretary of State August 25, 1995.

95-415

LIEUTENANT GENERAL KENNETH R. WYKLE DAY

Whereas, Lieutenant General Kenneth R. Wykle completed the Reserve Officers Training Course at West Virginia University in 1963; and

Whereas, during that same year, he was commissioned a Regular Army Second Lieutenant of Field Artillery and awarded a bachelor of science degree; and

Whereas, he also completed a master of arts degree at Ball State University in Indiana and has completed the Field Artillery Officers Basic and Transportation Officers Advanced courses; and

Whereas, he has served in a variety of key command and staff positions

including, but not limited to, Commanding General, U.S. Army Transportation Center at Fort Eustis, Virginia, and Commanding General, 19th Support Command, Camp Henry, Republic of Korea; and

Whereas, his principal awards and decorations include the Legion of Merit (with two Oak Leaf Clusters), the Bronze Star (with Oak Leaf Cluster), the Army Distinguished Service Medal, the Army Meritorious Service Medal, and the Defense Meritorious Service Medal; and

Whereas, he was promoted to lieutenant general on October 1, 1993; and Whereas, Lieutenant General Kenneth R. Wykle is the husband of the former Mary Oliver and father of Scott, John Paul, and Carson;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 23, 1995, as LIEUTENANT GENERAL KENNETH R. WYKLE DAY in Illinois in honor of his imminent retirement and in appreciation of his dedicated service to our country.

Issued by the Governor August 15, 1995.

Filed by the Secretary of State August 25, 1995.

95-416

RESPECT LIFE WEEK

Whereas, the Preamble of the Constitution of the United States was designed for the people of this land to "secure the blessings of liberty to ourselves and our posterity"; and

Whereas, the Declaration of Independence states that we are endowed by our creator with certain inalienable rights, including the right to life; and

Whereas, the life of each person is sacred--the young and the old, the healthy and the sick, the gifted and disadvantaged; and

Whereas, the purpose of Respect Life Week is to remind the American people of the dignity of human life;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1-8, 1995, as RESPECT LIFE WEEK in Illinois.

Issued by the Governor August 16, 1995.

Filed by the Secretary of State August 25, 1995.

95-417

MOTHERS OF TWINS AND MULTIPLES WEEK

Whereas, for 33 years, the Mothers of Twins Club, a national organization with a statewide membership of 1,239, has offered support to parents who face one of life's more unique situations; and

Whereas, the club focuses on bringing together parents, educators, and physicians to exchange information of the rearing, development, and recognition of the individuality of twins; and

Whereas, the club is hosting its 33rd annual convention October 15-22, 1995, in Schaumburg/Woodfield, Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 15-22, 1995, as MOTHERS OF TWINS AND MULTIPLES WEEK in Illinois.

Issued by the Governor August 17, 1995.

Filed by the Secretary of State August 25, 1995.

95-418

CHURCHES OF CHRIST WEEK

Whereas, Churches of Christ are located worldwide and have almost three million members; and

Whereas, through the efforts of the Churches of Christ, residents of Illinois have been offered uplifting messages and spiritual guidance; and

Whereas, Churches of Christ have sponsored disaster relief drives, community youth activities, and programs dealing with issues like illiteracy, child abuse, and clothing the needy; and

Whereas, Churches of Christ also offer Christian education, prison reform programs, gang prevention programs, and healthcare;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 20-26, 1995, as CHURCHES OF CHRIST WEEK in Illinois and commend the members of these churches for their efforts to help others.

Issued by the Governor August 18, 1995.

Filed by the Secretary of State August 25, 1995.

ILLINOIS REGISTER
ADMINISTRATIVE CODE ORDER FORM

PLEASE USE THIS FORM FOR ALL ORDERS OR TO NOTIFY US OF CHANGE OF ADDRESS
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SECRETARY OF STATE

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111 E. Monroe
Springfield, IL 62756

